The Ombudsman, Hong Kong
Annual Report **2019/20**



POSITIVE COMPLAINT CULTURE
FOR BETTER ADMINISTRATION

Key Figures of the Year

Complaints received 19,767

93% by **email/fax**

5% by **post**

2% in **person**

1% by **phone**

Complaints completed 19,838

17,031 Closed after **assessment**

2,418 Concluded by **inquiry**

240 Concluded by **full investigation**

149 Resolved by **mediation**

99.4%
(target: 99.0%)
Complaints closed within 15 working days after initial assessment due to jurisdictional restrictions

93.5%
(target: 80.0%)
Complaints concluded within 3 months

99.3%
(target: 99.0%)
Complaints concluded within 6 months

10
Direct Investigations completed

Cases related to **access to information** completed 84

Recommendations given 177

Enquiries received 8,581

VISION

To ensure that Hong Kong is served by a fair and efficient public administration which is committed to accountability, openness and quality of service

MISSION

Through independent, objective and impartial investigation, to redress grievances and address issues arising from maladministration in the public sector and bring about improvement in the quality and standard of and promote fairness in public administration

VALUES

- Maintaining impartiality and objectivity in our investigations
- Making ourselves accessible and accountable to the public and organisations under our jurisdiction
- According the public and organisations courtesy and respect
- Upholding professionalism in the performance of our functions

CONTENTS

History in Brief		P.4
The Ombudsman's Review		P.8
Chapter 1	Functions and Powers	P.14
Chapter 2	Direct Investigation	P.20
Chapter 3	Complaints	P.32
Chapter 4	Mediation	P.58
Chapter 5	Access to Information	P.62
Chapter 6	Improving Public Administration	P.72
Chapter 7	Spreading Our Message	P.80
Chapter 8	Our Office	P.86
Annexes		
Annex 1	List of Scheduled Organisations	P.92
Annex 2	Circumstances where Complaints are not Followed up or Investigated	P.95
Annex 3	Caseload	P.96
Annex 4	Index of Cases Concluded by Full Investigation	P.97
Annex 5	Results of Complaints Concluded by Inquiry	P.111
Annex 6	Panel of Advisers	P.115
Financial Statements for the Year Ended 31 March 2020		P.118
Complainants Charter		P.140

History in Brief

1988

20 July

The Commissioner for Administrative Complaints ("COMAC") Bill was passed by the Legislative Council ("LegCo")

1989

1 February

The COMAC Ordinance was enacted

First Commissioner Mr Arthur Garcia, JP assumed office

1 March

The Office of COMAC became operational with staff seconded from Government



First Commissioner Mr Arthur Garcia, JP

1993

21 July

Legislative review completed, the COMAC (Amendment) Bill was introduced into LegCo

1994

1 February

Second Commissioner Mr Andrew So, SBS, OBE, JP assumed office



Second Commissioner Mr Andrew So, SBS, OBE, JP

24 June

The COMAC Ordinance was amended:

- to enable the public to lodge complaints directly, instead of by referral from LegCo Members
- to extend the jurisdiction to some major statutory bodies
- to empower the Commissioner to publish anonymised investigation reports
- to empower the Commissioner to initiate direct investigation

30 June

Advisers were appointed to provide expert advice and professional opinion

1 July

Chinese title of the Commissioner was changed to「申訴專員」and the Office to「申訴專員公署」

1995

1 March
Jurisdiction was extended to investigation into alleged breach of Code on Access to Information

1996

1 March
Non-official Justices of the Peace ("JPs") were enlisted in a JPs Assistance Scheme

27 December
English titles were changed to "The Ombudsman" and "Office of The Ombudsman"

1 April
Third Ombudsman Ms Alice Tai, GBS, OBE, JP assumed office



Third Ombudsman Ms Alice Tai, GBS, OBE, JP

1997

1 April
Mediation service was launched as an alternative dispute resolution method

25 July
The Ombudsman's Awards were introduced to acknowledge public organisations handling complaints positively

1999

22 July
The Ombudsman's Awards were extended to acknowledge public officers' contribution towards better quality services

2001

28 March

Telephone complaint service was introduced

19 December

The Ombudsman (Amendment) Ordinance 2001 came into operation:

- to establish The Ombudsman as a corporation sole with full powers to conduct financial and administrative matters
- to empower The Ombudsman to set terms and conditions of appointment for staff
- to adopt systems and processes separate from Government

2002

6 September

Office moved to permanent accommodation at Shun Tak Centre in Sheung Wan



2004

1 April

Ms Alice Tai, GBS, OBE, JP started her second term (2004 – 2009) as The Ombudsman



Third Ombudsman Ms Alice Tai, GBS, OBE, JP

2005

24 October

A "Memorandum of Administrative Arrangements" ("MAA") was signed between the Director of Administration and The Ombudsman to set out the general principles and guidelines governing the administrative arrangements for this Office and working relationship with Government



Signing of MAA

2009

1 April

Fourth Ombudsman Mr Alan Lai Nin, GBS, JP assumed office



Fourth Ombudsman Mr Alan Lai Nin, GBS, JP

2014

1 April

Fifth Ombudsman Ms Connie Lau, SBS, JP assumed Office



Fifth Ombudsman Ms Connie Lau, SBS, JP

2019

1 April

Sixth Ombudsman Ms Winnie Chiu, PDSM, PMSM assumed Office



Sixth Ombudsman Ms Winnie Chiu, PDSM, PMSM

The Ombudsman's Review



It is an understatement to say that the past year has been eventful.

Political turmoil, social unrest, and then the COVID-19 pandemic have brought into sharp focus the response of various Government departments and their ability to maintain the quality of service as well as upholding a high standard of public administration.

The Office has seen a huge surge in the number of complaints received, almost quadrupling the past figures. Many a time, hundreds and thousands of complaints would fill our inbox instantly after an incident. To cope with this unprecedented phenomenon and workload, we have to devise new measures and procedures. And faced with the heightened emotions from left, right and center, we have to be extra vigilant to maintain our impartiality and professionalism.

I am happy to report that by and large the Office has managed to fulfill our pledged level of performance without drawing on extra resources. This was achieved by streamlining procedures and colleagues working doubly hard, especially when the office was partially closed at the height of the epidemic. During the year, we received a total of 19,767 complaints (compared to 4,991 in the previous year). Among them, 100 complaints are about access to information, which is a record high. This shows that public expectation for an open and accountable Government is on the rise. Despite the overwhelming workload, we have completed 19,838 cases and 10 direct investigations. I want to emphasise that direct investigations remain a very important and useful tool for us to look into systemic issues and foster positive changes in public administration. As regards mediation, although the number of cases has dropped from 205 to 149, this is an area that we will continue to work on as it is often that grievances are addressed much more promptly and satisfactorily.

On a personal level, this is my first year at the Office. After settling into my new role, thanks to the help of my dedicated colleagues, I have mapped out a four-point strategic plan for the next five years aimed at developing the Office into a robust and sustainable setup that will serve Hong Kong well into the future. This is a challenging task but is made easier by the tremendous support rendered by my team, my Advisers as well as the solid foundation laid by my predecessors in the past 30 years.

First, we shall enhance community awareness of the role and services of The Ombudsman. We shall continue to promote our work so that aggrieved persons will know that they can seek redress from an independent, objective and impartial channel.

Second, we shall foster improvement in the quality and fairness in public administration. Based on the results of complaint handling and direct investigations, we shall make pertinent recommendations to tackle issues arising from maladministration and monitor their implementation. We shall encourage and motivate Government departments and public organisations to proactively improve public administration and complaint handling.

Third, we shall enhance transparency, efficiency and quality of our work. We shall announce and publish more investigation reports of complaint cases and seek the views of the public when conducting direct investigations.

Fourth, we shall build our professional capacity through enhanced staff development and knowledge management.

I will strive to take forward this strategic plan in the next few years. I am also keenly aware that we should keep abreast of changing needs and aspirations. Of course, we need to rely on the continued support of our stakeholders: the general public, the media, the legislators and public officers.

It has been a shocking year for all of us. I believe that for society to ride through this difficult period, everybody has to be steadfast in performing his/her duties. As a public body entrusted with statutory powers to raise the standard of public administration in Hong Kong, it is all the more important that the Office of The Ombudsman keep sight of our vision, renew our faith in our mission and discharge our functions with utmost conviction. I can assure the public that my Office will do exactly this and hope that we can contribute towards a better tomorrow.

Winnie Chiu
The Ombudsman
31 March 2020





Directorate

- Ms Winnie Chiu, The Ombudsman
- Mr K S So, Deputy Ombudsman
- Mr Frederick Tong, Assistant Ombudsman
- Ms Belinda Kwan, Assistant Ombudsman


申訴專員公署
OFFICE OF THE OMBUDSMAN




申訴專員公署






申訴專員公署
OFFICE OF THE OMBUDSMAN



CHAPTERS

The Ombudsman, Hong Kong
Annual Report **2019/20**

CHAPTER 1

Functions and Powers

To maintain impartiality and objectivity in our investigations

Who we are :

Established under the Ombudsman Ordinance ("the Ordinance"), Cap. 397 of the Laws of Hong Kong, we serve as the community's independent watchdog of public administration.

We

- Investigate complaints of maladministration
- Identify administrative deficiencies
- Recommend remedial measures to redress grievances and improve public administration

What we do :

Investigate COMPLAINTS

from aggrieved persons about maladministration (including non-compliance with the Code on Access to Information)

Conduct DIRECT INVESTIGATIONS

into areas of suspected maladministration involving systemic problems or issues of significant public interest

by Government departments and public organisations listed in Part I and Part II of Schedule 1 to the Ordinance (see **Annex 1**)

What we cannot investigate :

- Complaints against organisations not listed in Schedule 1 to the Ordinance (e.g. Police, ICAC)
- Complaints relating to
  - legal proceedings or prosecution decisions
  - contractual or other commercial transactions
  - personnel matters
  - impositions or variations of conditions of land grant

  (full list at **Annex 2**)

We cannot pursue a case if :

- Complainant has had knowledge of the subject of complaint for over 2 years
- Complainant is anonymous, unidentifiable or untraceable
- Complaint not made by person aggrieved
- Statutory right of appeal or remedy by way of legal proceedings (except judicial review) is available to complainant

(full list of restrictions at **Annex 2**)

What about complaints involving professional judgement ?

- Not pursuable if the action or decision is based purely on professional judgement
- Pursuable if the action or decision also involves managerial or administrative actions or decisions, in which case the managerial or administrative aspects can be investigated

What about policy matters ?

We usually do NOT investigate complaint about action taken fully in line with a policy which is made with proper authority following a due process

BUT if grave injustice appears to be involved in a policy, we will conduct an investigation and may urge the organisation to conduct a review if a policy appears to be outdated

What powers do we have ?

- **Investigation**
  Conduct inquiries, obtain information and documents, summon witnesses and inspect premises of organisations under complaint

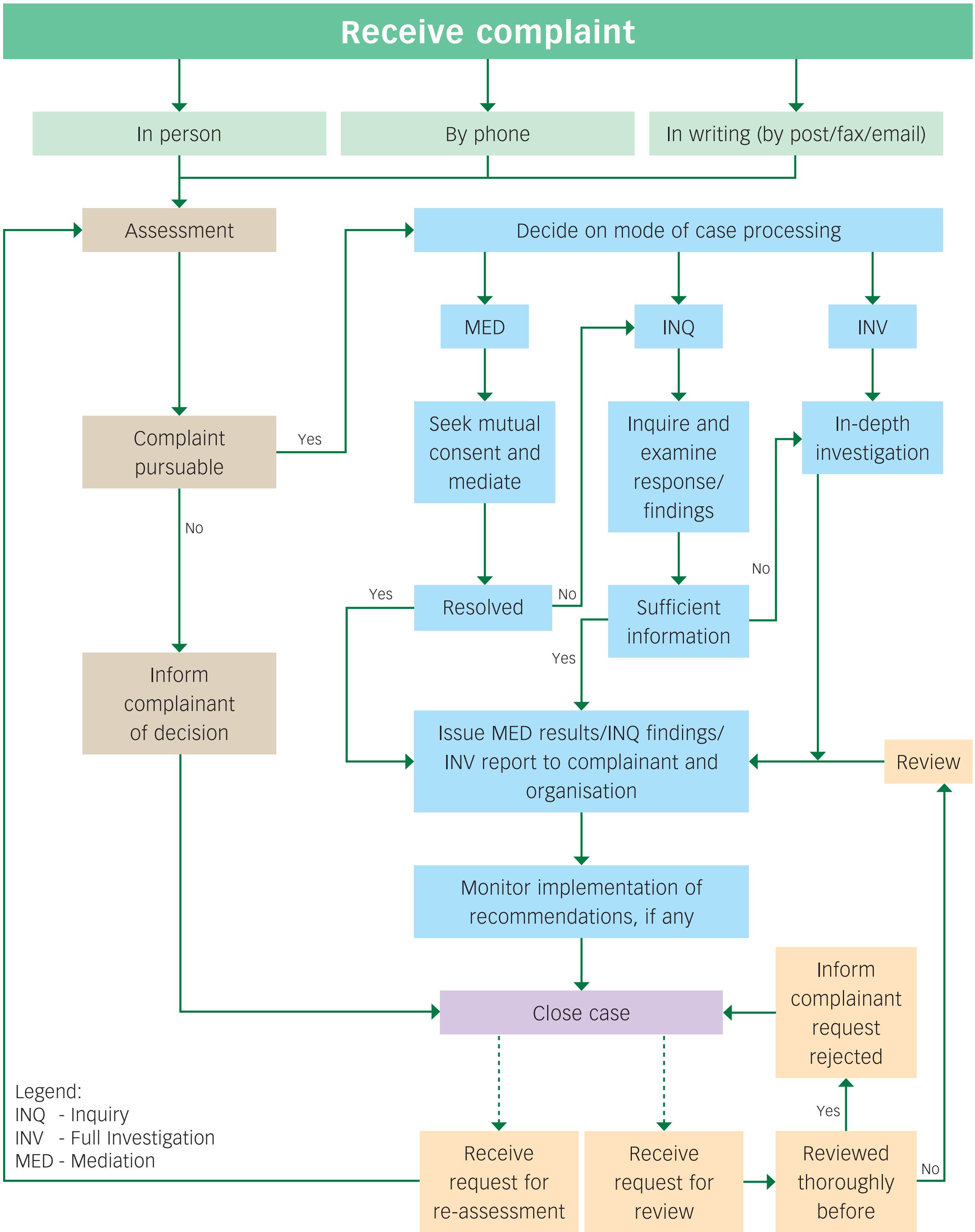
- **Conclusion and Recommendation**
  Decide on complaints and make recommendations

- **Report**
  Report results of investigation to head of organisation or, if appropriate, to the Chief Executive

How we keep secret of your complaint ?

- The Ombudsman, all staff and advisers are bound by the Ordinance, under penalty of a fine and imprisonment, to maintain secrecy
- The Ombudsman may in the public interest publish a report on any of her investigations without disclosing the names of the persons involved

Flow Chart on Handling of a Complaint



Glossary of Terms

Maladministration

This is defined in The Ombudsman Ordinance. It basically means poor, inefficient or improper administration including unreasonable conduct; abuse of power or authority; unreasonable, unjust, oppressive or improperly discriminatory procedures and delay; discourtesy and lack of consideration for a person.

Enquiry

An enquiry is a request for information or advice.

Complaint

A complaint is a specific allegation of wrong doing, unreasonable action or defective decision or procedure which affects and aggrieves the complainant.

Topical Complaints

These are complaints on a particular social or topical issue. They are essentially against the same action or decision by the organisation under complaint.

Outside Jurisdiction

This refers to the situation where the action or organisation subject to complaint is not within The Ombudsman's jurisdiction under The Ombudsman Ordinance.

Restrictions on Investigation

These are the restrictions on investigation under The Ombudsman Ordinance.

Withdrawal of Complaint

This is a complainant's voluntary withdrawal of a complaint. However, depending on the nature or gravity of the allegations, The Ombudsman may still pursue the case.

Consent from Complainant

To facilitate The Ombudsman's processing of a complaint, the complainant is required to give consent for: The Ombudsman to copy his/her complaint and any other information, including his/her personal data, to any party concerned; and any party concerned to provide the complainant's personal and other relevant information to The Ombudsman. The complainant may, by stating his/her wish clearly, withhold consent to the disclosure of his/her identity to the party under complaint. However, in this circumstance, The Ombudsman may not be able to process the complaint satisfactorily or at all.

Mediation

This is a voluntary process carried out where the complainant and the organisation under complaint agree to discuss the complaint at a meeting or through the telephone, and to explore mutually acceptable solutions. Investigation officers from this Office act as impartial facilitators.

Inquiry

This is the procedure we use to handle general complaint cases, with the aim to resolve complaints more speedily. We ask the organisation under complaint to respond to us and, if we see fit, the complainant in parallel. We will examine such response, and the complainant's view on it where applicable, together with any other relevant information or evidence we have collected. We will, in conclusion, present our findings to the complainant and make suggestions to the organisation for remedy or improvement where necessary. Where deeper and fuller probing is needed before we can conclude the case, we will start a full investigation.

Full Investigation

This refers to an in-depth inquiry, usually into complex or serious complaints, with recommendations for improvement or remedy, where warranted, upon conclusion.

Substantiated, Partially Substantiated and Unsubstantiated

These are classifications of the outcome of our full investigations reflecting the varying degrees of culpability of an organisation under complaint.

Unsubstantiated but other Inadequacies Found

This is the classification of the outcome of our full investigation where a complainant's allegations are unsubstantiated but The Ombudsman discovers other aspects of significant maladministration.

Inconclusive

We classify the outcome of our full investigation into a complaint or allegation as inconclusive where, on completion of the investigation, The Ombudsman is not prepared to determine whether the complaint or allegation is substantiated or not, because the evidence is conflicting, irreconcilable, incomplete or uncorroborated.

Direct Investigation

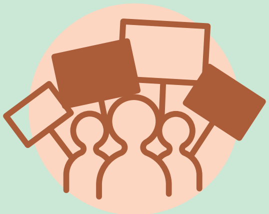
This is an investigation initiated in the public interest even in the absence of complaint and generally on matters of a systemic nature or issues of community concern.

CHAPTER 2

Direct Investigation

The Ombudsman may, of her own volition, initiate direct investigation ("DI") into areas of suspected maladministration usually involving systemic problems or issues of significant public interest.

Our DIs may be prompted by:



Significant Social Concern



Repeated Complaints of Particular Matters

Preliminary Inquiry

Before deciding whether or not to launch a DI against an organisation, we may conduct a preliminary inquiry. In the process, we seek, on a confidential basis, information / explanation from the organisation concerned. If the inquiry points to the need for further study, we will formally notify the head of the organisation concerned and initiate a DI.

Investigation Methodology

Apart from seeking crucial information from the organisations concerned like we normally do for complaint investigation, we may, depending on the nature of the subject under study, invite views on the subject from relevant sectors and experts, as well as the community at large. If so, we will inform the public of the initiation of our investigation.

To conduct a DI, we may:



Discuss with the Organisation under Investigation



Seek Expert Advice



Invite Views from Public

We often discuss our observations and views with senior officers of the organisation under investigation, at the outset as well as before conclusion. Such exchanges are useful in clarifying points of doubt and furthering insight into the issues.

Publication of Reports

As empowered by the Ordinance, if The Ombudsman considers it to be in the public interest to do so, she may announce at media conferences or on our website the findings of our DIs.

Naturally, DIs may not all come to a conclusion that there is serious maladministration on the part of the organisation(s) concerned, and some organisations may have taken remedial/improvement measures in the course of our investigation. Nevertheless, the public would wish to know what we have done and what we have found. Hence, all our DI reports are published in one way or another.

During the year we completed 10 DIs, with four reports publicly announced at press conferences and the rest through press releases. The reports of all DIs were uploaded on our website. A full list of DIs completed during the year is in the table below.

In 2019/2020,

We completed: 10 **Direct Investigations**

We made: 49 **Recommendations**

OMB/DI/415	Government's Planning and Arrangements for Ancillary Facilities for Electric Private Vehicles
OMB/DI/419	Mechanism for Identifying and Reporting Suspected Child Abuse Cases
OMB/DI/420	Buildings Department's Implementation of Mandatory Window Inspection Scheme
OMB/DI/421	Education Bureau's Mechanisms for Approving Applications for School Fee Revision by Direct Subsidy Scheme/Private Schools and Collection of Other Charges by Private Schools
OMB/DI/425	Lands Department's Enforcement against Commercial Use of Public Pedestrian Passages and Public Atria in Private Malls
OMB/DI/426	The Issue of Idle Flyovers and "Bridges to Nowhere"
OMB/DI/427	Allocation Mechanism of Ward Offices under Housing Department
OMB/DI/429	Notification Mechanism and Arrangements of Housing Department and Social Welfare Department for Imprisoned Singleton Public Rental Housing Tenants
OMB/DI/434	Leisure and Cultural Services Department's Arrangements for Depositing Layout Plans of Public Pleasure Grounds in Land Registry
OMB/DI/435	Mechanisms for Verifying Travel Records of Comprehensive Social Security Assistance/Social Security Allowance Applicants and Recipients

Case Synopses

(Full reports of all DI cases are available at www.ombudsman.hk)

Environment Bureau ("ENB") and Environmental Protection Department ("EPD")

Case No. OMB/DI/415
Government's Planning and Arrangements for Ancillary Facilities for Electric Private Vehicles
(Completed on 17 October 2019)



Our findings

The Government encourages the use of Electric Vehicles ("EVs") with a view to reducing roadside air pollution. Our direct investigation revealed that ENB and EPD, being the bureau/department responsible for the matter, had failed to clearly explain to the public its policy direction and specific targets on promoting the use of EVs and the relevant justifications. Besides, the Government had underestimated the demand for charging facilities. The number of parking spaces equipped with charging facilities in government car parks remained low, and the Government's effort to encourage the installation of charging facilities in private buildings was insufficient. Moreover, the charging spaces at Government public car parks were poorly managed and the Government did not have data on the utilisation of charging facilities at non-government public car parks. On the other hand, the Government had failed to formulate clear fee-charging policy for EV's charging service.

Our recommendations

The Ombudsman made 15 recommendations to ENB and EPD, including to explain more to the public the justifications for any adjustments to the measures and arrangements regarding the policy on the promotion of EVs; to provide more charging facilities at government public car parks and collect relevant data for future assessment; to review the current measure of "priority use of charging spaces by EVs" and set up new charging facilities at locations further away from the entrances/exits and passageways of car parks; and to formulate a clear fee-charging policy and announce the arrangements as soon as possible.

Social Welfare Department ("SWD") and Education Bureau ("EDB")

Case No. OMB/DI/419
Mechanism for Identifying and Reporting Suspected Child Abuse Cases
(Completed on 17 October 2019)



Our findings

Statistics from SWD showed that the number of newly reported child abuse cases in Hong Kong had been on the rise over the past years. There had been criticisms that the reporting mechanism for preventing child abuses had been inadequate, and that people who had become aware of the situation were not required to report suspected child abuse cases. We noted that the United Nations Committee on the Rights of the Child had recommended as early as 2011 that all States parties establish mechanisms for reporting violence against children. Besides, many countries had already enacted laws to require mandatory reporting of suspected child abuse cases.

Our recommendations

The Ombudsman made four recommendations to improve the mechanism for identifying and reporting suspected child abuse cases, including that the Government should explore the feasibility of mandatory reporting of suspected child abuse cases; EDB should include in the Kindergarten Administration Guide the procedures for handling suspected child abuse cases; the relevant contents of SWD's Procedural Guide for Handling Child Abuse Cases and EDB's related circulars/ School Administration Guide should be made as consistent as possible; and EDB should conduct statistical analysis on the length of and reasons for students' absence to enable early identification of child abuse cases.

Buildings Department ("BD")

Case No. OMB/DI/420
BD's Implementation of Mandatory Window Inspection Scheme
(Completed on 12 August 2019)

Our findings

Dilapidated windows would pose threats to public safety. The Mandatory Window Inspection Scheme ("the Scheme") was implemented by BD in June 2012 to address the issue. Our direct investigation revealed the following inadequacies: implementation progress significantly below targets such that BD had substantially reduced the number of buildings selected annually for inspection, failing to properly monitor the compliance with statutory notices ("Notices") giving rise to long outstanding cases, lack of data in the first four years or so of the implementation of the Scheme for monitoring the work of staff and the industry, site audits not completed within the time stated in its operational guidelines, effectiveness of site audits affected by failure to enter premises and delay in issuing warning letters to property owners who had failed to comply with Notices.



Our recommendations

The Ombudsman made six recommendations to BD to comprehensively review the implementation of the Scheme, monitor the compliance with Notices more proactively and clear backlog promptly and effectively, improve its site audit mechanism and take timely enforcement action against owners who fail to comply with Notices.

Education Bureau ("EDB")

Case No. OMB/DI/421
EDB's Mechanisms for Approving Applications for School Fee Revision by Direct Subsidy Scheme/Private Schools and Collection of Other Charges by Private Schools
(Completed on 9 January 2020)

Our findings



Our direct investigation revealed that EDB had in place mechanisms to approve the applications for school fee revision by Direct Subsidy Scheme schools/private schools. EDB had followed the mechanisms in approving applications after reviewing the schools' justification for application, financial position and the opinions of parents. We found no impropriety in this.

EDB had been adopting over the years a liberal approach in its interpretation of relevant provisions of the Education Regulations based on the legal advice received a long time ago, which considered the collection of other, refundable charges by private schools a private financial arrangement between the schools and parents, and hence not requiring approval from the Bureau. We pointed out to EDB that this practice was incompatible with the Education Regulations. After seeking further legal advice, EDB conceded that the collection of these charges should be subject to its approval.

As regards other charges which are non-refundable, EDB was unable to give clear details on the overall application mechanism, procedures and approval criteria, which showed that it had not fully comprehended the situation about other charges collected by private schools.

Our recommendations

The Ombudsman made two recommendations that EDB should establish as soon as possible a more comprehensive application and approval mechanism regarding other charges collected by private schools; and create a database on other charges collected by private schools to keep track of the overall situation.

Lands Department ("LandsD")

Case No. OMB/DI/425
LandsD's Enforcement against Commercial Use of Public Pedestrian Passages and Public Atria in Private Malls
(Completed on 9 January 2020)

Our findings

Some private developments (including malls) are required under land lease conditions to provide public pedestrian passages ("public passages") and/or public atria. Unauthorised use of those public facilities for commercial purposes is a breach of lease and is subject to enforcement by LandsD.

Our direct investigation revealed that LandsD had inadequacies both in enforcement against the unauthorised use of such public passages and atria for commercial purposes and in the dissemination of information to the public about these facilities.



LandsD's inadequacies included lack of enforcement, failure to register warning letters at the Land Registry where such breach of lease remained unrectified, failure to refer suitable cases of breach to other relevant departments for follow-up, failure to proactively recover waiver fee from those who have breached the lease (which could easily run into hundreds of millions of dollars) and unclear enforcement objective and ineffective enforcement. The information uploaded by LandsD on its website about public passages/atria in private malls was inadequate such that the public would not know the specific locations and areas of such public facilities, nor could the public monitor their proper use.

Our recommendations

The Ombudsman made seven recommendations to LandsD including to review the relevant operational guidelines, recover waiver fee from owners of private malls, set a clear objective for enforcement, follow up with private malls on its suggestion to display layout plans of public passages and/or atria at the entrances/exits of those facilities, and upload on the GeoInfo Map website more information about public passages and atria in private malls.

Transport Department ("TD"), Highways Department ("HyD") and Civil Engineering and Development Department ("CEDD")

Case No. OMB/DI/426
The Issue of Idle Flyovers and "Bridges to Nowhere"
(Completed on 3 March 2020)

Our findings

There are currently 29 idle flyover sections or stub ends in Hong Kong which have been left idle for over 10 years, with some over 30 years. Those flyover sections and stub ends were constructed for future expansion of road network or for connection with new roads.



Our direct investigation revealed that the Government has no mechanism to regularly review the status of those idle flyovers or stub ends. This may result in missing the opportune time to construct new roads from the stub ends because of the changes and developments that the areas surrounding them have undergone over the past several decades.

Also, the Government often receives views or objections from different stakeholders about various road-work projects. However, if the Government delays or even shelves the construction of new roads due to the concerns and objections raised by some people, pending reconsideration when traffic congestion occurs, then the best time for its construction may have been missed and the problem of traffic congestion would be prolonged.

Our recommendations

The Ombudsman made three recommendations to TD, HyD and CEDD, including regularly review the development status of all idle flyover sections or stub ends, step up its lobbying efforts with the local residents and the District Councils concerned, and set up an integrated information platform to facilitate public enquiries of relevant information on the proposed road works in various districts.

Housing Department ("HD")

Case No. OMB/DI/427
Allocation Mechanism of Ward Offices under HD
(Completed on 10 December 2019)



Our findings

HD currently provides suitable non-domestic premises in its public rental housing ("PRH")/residential estates for lease to District Council ("DC") and Legislative Council ("LegCo") Members as offices ("ward offices"). Under the current allocation mechanism, HD allocates ward offices according to the following order of priority: 1) elected DC Member of the constituency concerned; 2) other DC Members of the district; 3) LegCo Members returned by the geographical constituency concerned; and 4) LegCo Members returned by functional constituencies.

There were comments from individual Council Members that HD should consider allocating vacant ward offices first to those Council Members who have not been allocated any ward office. On this proposal, HD had sought the views of LegCo Members and DC Members of different political parties. The views collected, however, unanimously objected to the proposal. This shows a lack of consensus among Council Members in that regard.

On the other hand, we have received complaints from Council Members about unfairness of the joint tenancy arrangement for ward offices, as it allows the original Council Member tenant to, before terminating his or her tenancy of a ward office, circumvent HD's allocation mechanism by adding another Council Member as a joint tenant of the ward office, thus resulting in de facto "inheritance of tenancy". We are glad to note that HD had later revised the joint tenancy arrangement for ward offices.

Our comments

The Ombudsman considers that HD's existing allocation mechanism for ward offices are, by and large, appropriate. That said, she reminded HD to review the arrangements in a timely manner and make revisions where necessary, continue to study ways to increase the supply of ward offices, and explore the feasibility of putting those ward offices found to have been vacant for a long period to other uses.

Housing Department ("HD") and Social Welfare Department ("SWD")



Case No. OMB/DI/429
Notification Mechanism and Arrangements of HD and SWD for Imprisoned Singleton Public Rental Housing Tenants
(Completed on 12 November 2019)

Our findings

If singleton public rental housing ("PRH") tenants are imprisoned for three months or more, HD normally will advise them to voluntarily surrender their flats. If they do not have any rent arrears and meet other relevant criteria, the Hong Kong Housing Authority ("HKHA") will issue Letter of Assurance ("LA") which allows them to be offered another PRH flat upon release from prison. When SWD becomes aware of a Comprehensive Social Security Assistance ("CSSA") recipient's custody or imprisonment in a correctional institution through regular data checking with the Correctional Services Department, it will suspend CSSA payments to those recipients, including the rent allowance, and stop paying their PRH rental to HKHA.

Our direct investigation has revealed that there is no established mechanism for HD to learn that a PRH tenant is sentenced to a correctional institution. If singleton PRH tenants fail to inform HD, even if they are CSSA recipients, it often takes two to three months before HD can learn about their imprisonment. It is also possible that HD may never be informed and the flats involved would continue to be left vacant.

On the other hand, if these tenants are in rent arrears, HKHA would recover their flats. Upon release from prison, they need to apply for PRH flat again and settle all outstanding rent payments. The current mechanism and arrangements are not conducive to ex-inmates' reintegration into society.

Our recommendations

The Ombudsman made four recommendations to HD, including to revise the system of issuing LAs so that imprisoned singleton PRH tenants could be allocated a PRH flat after being released and settling all the rent arrears; and to strengthen the existing notification mechanism with SWD, allowing HD to obtain details about PRH tenants' imprisonment as soon as possible.

Leisure and Cultural Services Department ("LCSD")

Case No. OMB/DI/434
LCSD's Arrangements for Depositing Layout Plans of Public Pleasure Grounds in Land Registry
(Completed on 10 December 2019)

Our findings

In the third quarter of 2018, LCSD discovered that the layout plans of 583 Public Pleasure Grounds ("PPGs") under the Department had yet to be deposited in the Land Registry ("LR") in accordance with the Public Health and Municipal Services Ordinance. As a result, LCSD and the Tobacco and Alcohol Control Office under the Department of Health had suspended their enforcement actions in those PPGs for several months, until those layout plans were properly deposited in LR.

Our direct investigation revealed that before the omissions were discovered, LCSD had not drawn up any clear guidelines on the depositing of layout plans of PPGs. Neither had LCSD actively monitored the progress nor kept records of such work. Moreover, there was a lack of effective communication and collaboration between LCSD and the Lands Department. Although LCSD had implemented improvement measures afterwards, the Office noted that it was still possible that the deposit procedures were yet to be completed when a venue was opened for public use.



Our recommendations

The Ombudsman made seven recommendations to LCSD, including to draw up clear guidelines requiring staff to deposit layout plan for every PPG as required by law; to strengthen the reporting and monitoring work on the depositing of PPG layout plan; to further review the current procedures and arrangements for gazetting and opening of PPGs for public use; and to explore the feasibility of depositing a simplified provisional layout plan so as to avoid any "enforcement vacuum".

Social Welfare Department ("SWD")

Case No. OMB/DI/435
Mechanisms for Verifying Travel Records of Comprehensive Social Security Assistance/Social Security Allowance Applicants and Recipients
(Completed on 17 January 2020)



Our findings

SWD had prescribed the residence requirements and absence limits as the eligibility criteria for Comprehensive Social Security Assistance ("CSSA")/Social Security Allowance ("SSA") applicants and recipients. Under the mechanism established with the Immigration Department ("ImmD"), SWD regularly provided ImmD with the Hong Kong Identity Card ("HKIC") numbers of SSA applicants and CSSA/SSA recipients for ImmD to conduct data matching ("Regular Data Matching"). Using the travel records provided by ImmD, SWD then verified whether they satisfied the residence requirement.

Our direct investigation revealed that if the persons concerned used travel documents other than the HKIC to exit or enter the territory, SWD was unable to obtain their accurate travel records through Regular Data Matching and subsequently to ascertain whether they indeed satisfied the residence requirement. Upon the Office pointing out the above inadequacy, SWD had started enhancing Regular Data Matching since January 2020. The scope of Regular Data Matching was since extended to cover the travel documents issued by ImmD. The scope would be further extended to cover the travel documents issued by other countries/territories.

The Office noted that CSSA applicants were not subject to Regular Data Matching and considered this practice appropriate. This was because most CSSA applicants could satisfy the residence requirement. Besides, their complete travel records might not be obtained through Regular Data Matching, as the computerised database of ImmD only retained travel records for ten years. Furthermore, in addition to Regular Data Matching, SWD could obtain where necessary, for verification purpose, the detailed travel records of the persons concerned from ImmD on a case-by-case basis.

Our recommendation

The Ombudsman made one recommendation that SWD should complete all the enhancements to Regular Data Matching as soon as possible.

Complaints

Overview

It was a challenging year for us.

Special circumstances in the year had brought us an unprecedented number of complaints. With 19,767 complaints received, the number of complaints received in the year had more than tripled over last year.

Among the 19,767 complaints, there were 15,034 secondary cases in topical complaints which was also the historic high.

Cases with most topical complaints concerned allowing domestic free television broadcasters to drop RTHK's programmes, the handling of the outbreak of COVID-19, inaction against unauthorised building works of a TV broadcasting company and the social movement in relation to the now withdrawn Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 (commonly known as the "Extradition Bill").

Influx of cases brought about by the special circumstances this year had put an enormous strain on the Office's overall case processing. Besides, special work arrangement in relation to the outbreak of the COVID-19 had restrained our resources. Overall, we completed processing 19,838 complaints, including 17,031 complaints that were closed after assessment, and 2,807 complaints that were pursued and concluded.

2019-2020 Highlights

19,767
total complaints

4,733
normal complaints (excluding topical complaints)

15,034
topical complaints

8,581
enquiries

Overall Complaints and Enquiries Processing

19,767
total complaints

296%
over last year

8,581
enquiries

17.5%
over last year

During the year under report, we received 19,767 complaints, up by 296% over the 4,991 complaints received last year. Together with 970 brought forward from last year, we had a total of 20,737 complaints for processing this year as compared to 5,808 last year. We also received 8,581 enquiries during the year which was fewer than the 10,403 enquiries received last year.

Mode of Lodging Complaints

Complaint by email continued to surpass all other modes of complaint handling, with 18,145 (91.7%) being lodged through this channel. Complaint by letter through post remained the second most popular mode.

18,145
by email

903
by post

316
in person

229
by fax

174
by phone

Complaints Handled

We completed processing 19,838 (95.7%) of all cases received during the year and those brought forward from last year. Among these, 2,807 were pursued and concluded by way of inquiry, full investigation or mediation. This was slightly less than the 2,912 cases pursued and concluded last year. The slight drop was due to the need to handle a large influx of topical cases and the constraints imposed during the special work arrangement in relation to the outbreak of the novel coronavirus.

The rest of the complaints handled (17,031, 85.8%) were closed after assessment due to the fact that there was insufficient ground to pursue the complaint (8,676, 50.9% among complaints assessed and closed), or for jurisdictional or legal restriction reasons (8,355, 49.1% among complaints assessed and closed). The number of complaints assessed and closed in 2019/20 was much more than 1,926 cases assessed and closed in 2018/19. Most of these complaints assessed and closed were topical complaints.

Detailed caseload statistics are given in **Annex 3**.

	Percentage	No. of cases
By inquiry	86.1%	2,418
By full investigation	8.6%	240
By mediation	5.3%	149
Total	100.0%	2,807 complaints pursued and concluded in total

Major Causes of Complaints

Based on the allegations made by the complainants, the top five causes for complaints were:

- **41.4%** Others (e.g. unclear allegation, general criticism, opinion)
- **22.7%** Error, wrong advice/decision
- **21.8%** Delay/inaction
- **4.1%** Ineffective control
- **2.3%** Lack of response/reply

Unlike in previous years where "error, wrong advice/decision" used to be the most common cause of complaint, this year "general criticism/opinion" came to the top. Majority of the complaints under this cause category were topical complaints (e.g. allowing domestic free television broadcasters to drop RTHK's programmes, RTHK's reporting in a news programme) lodged in huge volume expressing disagreement to the department's or organisation's way of handling matters.

Setting aside topical complaints, "error, wrong advice/decision" continued to be the most common cause of complaint.

30.6%
Error, wrong advice/decision

15.4%
Delay/inaction

13.5%
Others (e.g. unclear allegation, general criticism, opinion)

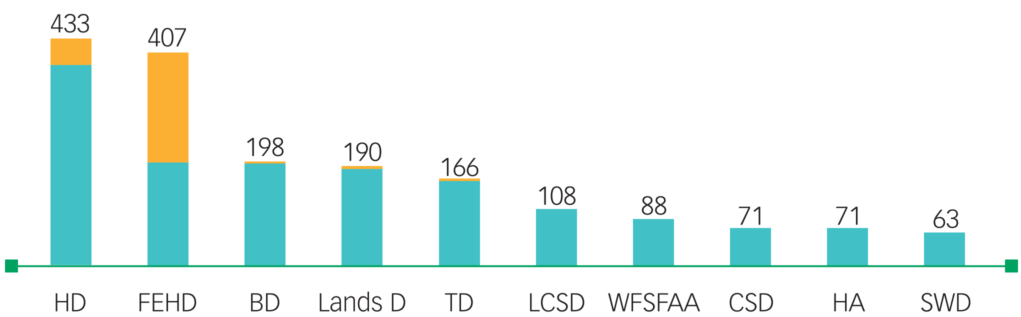
13.0%
Ineffective control

8.3%
Lack of response/reply

Major Targets of Complaint

The departments with the highest number of complaints pursued and concluded during the year are as follows:

Number of Cases



Note 1. "Complaints Pursued and Concluded" are cases handled by way of inquiry, full investigation or mediation.
Note 2. These top ten organisations accounted for 64.0% of the 2,807 complaints pursued and concluded.
Note 3. ■ signifies topical complaints.

The Housing Department and the Food and Environmental Hygiene Department remain as the first and second in the chart.

Achievement of Performance Pledges 2019/20

This year we continued to be able to meet the target of our service standard in processing of complaints.

Complaints	Service Standard	Target	Achievement
Acknowledge receipt of a complaint	– Within 5 working days	99%	99.9%
Close a complaint case after initial assessment due to jurisdictional restrictions	– Within 10 working days	90%	98.9%
	– Within 15 working days	99%	99.4%
Conclude a complaint case	– Within 3 months	80%	93.5%
	– Within 6 months	99%	99.3%

As for enquiries, our processing time was affected in February and March 2020 when special work arrangement was in place due to the situation of the COVID-19. Overall, we replied within ten working days in 96.4% of written enquiries received. There were seven written enquiries that we could not reply within ten working days in February and March when only basic and limited service was provided.

Enquiries	Service Standard	Target	Achievement
Reply to a written enquiry	– Within 5 working days	95%	90.7%
	– Within 10 working days	99%	96.4%

Topical Complaints and Normal Complaints

Topical Complaints

This year, we received 15,034 secondary cases in topical cases, which was over 43 times of last year's (349).

Many of these cases pertained to issues related to the now withdrawn Extradition Bill and outbreak of the COVID-19.

We took note of these public concerns and handled those cases within our purview. However, many of the cases had insufficient ground or had legal restrictions that restrict us from pursuing.



15,034
topical
complaints



43 times
increase
over last year

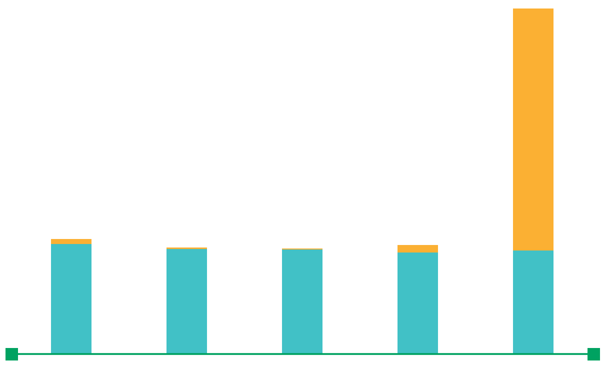
Some other major incidents or events also brought to us a considerable number of complaints, which included District Council Election 2019 and the authenticity of vaccines provided by a private clinic.

Year	Number of secondary complaints received	Key groups of topical complaints (number of secondary cases)
2015/16	213	• Some alteration works in a private building which allegedly contravened the Buildings Ordinance and Fire Services Regulations (92) • Territory-wide System Assessment (46)
2016/17	74	• Transport Department's alleged unreasonable demand for a car manufacturer to remove some functionality from the visual display unit of a car (41) • Alleged change of policy of Agriculture, Fisheries and Conservation Department in approving applications for trail running events in country parks (18)
2017/18	68	• Loss of a computer with personal information of voters by Registration and Electoral Office (25) • A proposed footbridge in a housing estate (13)
2018/19	349	• Delay in provision of HPV vaccine (155) • An educational video concerning rebates offered by estate agents (150)
2019/20	15,034	• Allowing domestic free television broadcasters to drop RTHK's programmes (3,808) • RTHK's reporting in a news programme (2,566) • Inaction of Buildings Department to clear unauthorised building works of a TV broadcasting company (2,001) • Inaction of Food and Environmental Hygiene Department in relation to Lennon Wall (1,304) • Police's handling of the 7.21 incident in Yuen Long (1,011)

Normal Complaints

As shown in the chart below, the number of topical complaints received in 2019/20 was beyond comparison. It has also brought the total number of complaints received to a historic level. Yet, if we break down the number of complaints received by topical complaints and "normal complaints" (i.e. complaints received excluding secondary cases), the number of "normal complaints" received is more or less on par with that of previous years.

Number of complaints received



	2015/16	2016/17	2017/18	2018/19	2019/20
Topical complaints	213	74	68	349	15,034
Normal complaints	5,031	4,788	4,761	4,642	4,733
Total complaints received	**5,244**	**4,862**	**4,829**	**4,991**	**19,767**

Among the normal complaints received and with complaints carried over from last year, the Office had completed 4,798 normal cases and the number is on par with that of last year. Among them, 2,481 (51.7%) were pursued and concluded and 2,317 (48.3%) were assessed and closed due to the fact that there was insufficient ground to pursue the complaint, or for jurisdictional or legal restriction reasons.

2,481 or 51.7%
normal complaints pursued and concluded

2,317 or 48.3%
normal complaints assessed and closed

Full investigation

The Ordinance provides that for the purposes of determining whether to undertake a full investigation, The Ombudsman may conduct such "preliminary inquiries" as she considers appropriate. In the interest of complainants, we often use this procedure to resolve complaint cases of a general nature more speedily, without unnecessarily resorting to the more time-consuming action of full investigation. For simplicity, we call this "inquiry".

For complex cases which appear to involve issues of principle, serious maladministration, gross injustice, systemic flaws or procedural deficiencies, or simply require deeper and fuller probing, we will conduct a full investigation.

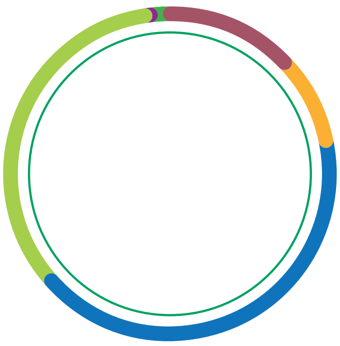
In the report year, The Ombudsman conducted 240 full investigations (including 109 secondary cases from topical complaints). 152 (63.3%) were *substantiated*, *partially substantiated* or *unsubstantiated but other inadequacies found*. Various allegations were made in those complaints, including dissatisfaction about departments' errors, wrong decisions, ineffective control and delays in handling cases or their procedural deficiencies.

240
full investigations

We made 128 recommendations on completion of the full investigations. Among them, 105 (82%) have been accepted by the departments/organisations for implementation and 23 (18%) were under consideration as at 31 March 2020.

Summaries of selected cases concluded by full investigation are listed below.

Results of Complaints Concluded by Full Investigation



12.9% substantiated
8.8% partially substantiated
41.7% unsubstantiated but other inadequacies found
34.2% unsubstantiated
0.8% inconclusive
1.7% withdrawn/discontinued

Note: Percentages may not add up to total due to rounding.

Forms of Maladministration Substantiated by Full Investigation



15.6% Error, wrong advice/decision
7.8% Ineffective control
7.2% Delay/inaction
6.6% Failure to follow procedures
5.4% Lack of response/reply to complainant/enquirer
1.8% Negligence, omissions
1.8% Faulty procedures
0.6% Staff attitude
53.3% Others

Note: Percentages may not add up to total due to rounding.

Agriculture, Fisheries and Conservation Department ("AFCD")

Handling of a dog arriving in Hong Kong from Thailand

Several complaints were received against AFCD, alleging that there was impropriety on the part of the Department for having euthanised a dog on the same day when it was found on a cargo ship from Thailand berthing in Hong Kong.

Our investigation revealed that the dog had been carefully examined by AFCD's veterinary officer and was found to come from a country where rabies cases are reported while the disease is not under effective control, with no implanted microchip, no collar and no supporting documents or medical records about its health and thus the potential risk of rabies was very high. AFCD had suggested sending the dog back on the same ship but was rejected by the ship owner. The captain of the ship also signed a declaration to surrender the dog.

We considered the Department's handling of the dog justified and in compliance with statutory provisions and established procedures. From an administrative perspective, there was no impropriety on the part of AFCD. However, as a life was involved, it would have been more desirable if AFCD had handled the case in a more humanistic approach. The Department has undertaken to review the procedures for handling similar cases. In addition to conducting a review of the relevant handling procedures, AFCD should step up its efforts in explaining its work to the public for them to have a better understanding of the justifications behind its decisions.



AFCD
Unsubstantiated

Agriculture, Fisheries and Conservation Department ("AFCD") and Hospital Authority ("HA")

Improper handling of a dog biting incident in which the complainant was injured

The Complainant complained against AFCD for delay in informing her of its decision not to institute prosecution and giving inaccurate information in its reply regarding a dog biting incident in which she was injured. Besides, she alleged that AFCD and HA had shifted responsibility to each other, thereby affecting evidence collection for the case.

Our investigation revealed that AFCD had failed to monitor officers concerned to follow relevant guidelines and procedures on handling of suspected animal attack cases, including proper filing of communication records with the Complainant and response to her enquiries. Besides, we considered HA to have given a misleading reply to the Complainant regarding the clinical diagnosis of her case.

AFCD accepted and implemented all our recommendations.



Key recommendations to AFCD

- Review guidelines and procedures on handling suspected animal attack cases to ensure proper filing of all communication records and response to enquiries
- Step up monitoring of frontline staff to ensure compliance with relevant guidelines and procedures
- Take disciplinary action against officers concerned

AFCD
Partially substantiated

HA
Unsubstantiated but there was inadequacy found

Correctional Services Department ("CSD")

The handling of a suspected case of violation of discipline by an inmate

The Complainant complained against an officer of CSD for threatening and coercing him into admitting that several pieces of paper containing horse racing information and racing odds were held by him, and insisting on bringing disciplinary charges against him.

Since the CCTV cameras were installed at locations far away from the scene of the incident and could not cover the whole area, the relevant footage could not show clearly what had happened or help us ascertain whether the alleged inappropriate behaviour had taken place. The Ombudsman, therefore, could not reach a conclusion on the complaint.

That said, since the officer concerned was actually equipped with a Video Speaker Microphone ("VSM") and the alleged violation of discipline by the complainant might be subject to disciplinary charge, this Office considered that the officer should have switched on the video recording function of the VSM to collect objective evidence for use in subsequent prosecution.



Recommendations to CSD

Adjust and widen the coverage of the CCTV system in the penal institution concerned and revise its current guidelines as appropriate so that its staff could know better under what circumstances video recording should be made

CSD
Inconclusive

Department of Health ("DH") and Social Welfare Department ("SWD")

Omission to include persons with disabilities receiving Comprehensive Social Security Assistance ("CSSA") as an eligible group under the Vaccination Schemes

The Complainant is a person with disabilities and CSSA recipient, alleging that DH had refused to provide free or subsidised vaccination service and that SWD failed to coordinate with DH to issue the relevant documentary proof to them.

Disability Allowance ("DA") recipients are eligible for the Vaccination Schemes and as required by DH, will have to present to healthcare personnel the DA approval letter they receive from SWD to prove their identity. However, CSSA recipients are ineligible for DA and are, therefore, unable to produce such proof.

Our investigation found that DH wrongly assumed that inclusion of DA recipients would be sufficient to cover all persons with disabilities, thus failing to cater for the situation of CSSA recipients who are disabled. As regards SWD, it was not responsible for the Schemes and only provided information to DH upon request.



Recommendation to DH

DH, jointly with SWD, implement as soon as possible a solution for issuing a documentary proof for CSSA recipients who are disabled

DH
Substantiated

SWD
Unsubstantiated

Education Bureau ("EDB")

Delay in provision of hearing aid fitting services for children with hearing impairment

The Complainant complained against EDB for delay in providing hearing aid fitting services for her young child with hearing impairment.

EDB has all along offered free hearing aid fitting services for children (including young children, pre-school children and students) with hearing impairment. In early September 2018, the Complainant's son was assessed as having moderate hearing impairment and was referred by the Department of Health to EDB for the hearing aid fitting services. However, upon expiry of the previous supplier's contract, EDB's several attempts in finding a suitable new supplier to take up the services through tender and invitation to quotation were all unsuccessful. It also failed to study and adopt contingency measures as early as possible. As a result, the services were suspended for four months from September 2018, and the fitting of hearing aids for 55 children (including the Complainant's son) had to be deferred.

EDB resumed the hearing aid fitting services in January 2019. Finally, the Complainant's son had a hearing aid fitted in mid-February 2019.



Recommendations to EDB

- Closely monitor the operation of the new arrangements for the hearing aid fitting services and adopt remedial measures promptly in case any flaws are identified
- Provide staff responsible for tender exercises with proper training to prevent recurrence of similar incidents

EDB
Substantiated

Fire Services Department ("FSD")

Imposition and enforcement of requirements to abate fire hazards at mini-storage premises

Subsequent to a blaze that took place at a set of mini-storage premises ("MSP") in June 2016, FSD imposed certain new requirements on the mini-storage industry. FSD would issue Fire Hazard Abatement Notices ("FHANs") with deadlines to MSP operators who failed to abide by those requirements, and initiate prosecution against non-compliance with FHANs.

We received two complaints relating to this: one about unreasonable and stringent requirements on MSPs, and the other about FSD being too lenient in granting more time to MSP operators for compliance with FHANs and not informing the public of MSPs with outstanding FHANs.

After our investigations, we agreed with FSD that the fire hazards presented by most MSPs were serious and imminent and that the new requirements to address the fire hazards were necessary. We also found FSD not too loose in granting more time to MSP operators for compliance with FHANs, and its non-disclosure of information about MSPs with outstanding FHANs not unreasonable in the light of ongoing court proceedings in relation to FSD's issuance of FHANs.

Despite that the complaints were found unsubstantiated, we urged FSD to remind officers to adhere to its guideline in handling the requests from MSP operators for more time for compliance with FHANs and consider making known to the public more information about MSPs that have significant fire hazards.



Recommendations to FSD

- Remind officers to adhere to the guidelines
- Make known to the public more information about MSPs having significant fire hazards

FSD
Unsubstantiated

Food and Environmental Hygiene Department ("FEHD")

Failing to properly handle the hygiene problem caused by roadside car washing activities of car washing shops

The Complainant complained against FEHD for failing to properly handle the hygiene problem caused by the roadside car washing activities of two car washing shops.

Our inspections found that the problem was very serious. FEHD's law enforcement officers might need to stay at the scene longer for effective enforcement. The fact that FEHD officers were in uniform during inspections might also have raised the alertness of the offenders.

Our investigation also revealed that the staff of FEHD's cleansing contractor had taken photographs at the scene. However, their way of taking photographs (e.g. moving away objects that obstructed the road and turning their back on those washing the cars) might give the contractor a wrong impression of the cleanliness of the street concerned. It was indeed undesirable that FEHD had not probed into the situation.



Recommendations to FEHD

- Monitor closely the performance of the contractor involved, including conducting more surprise inspections
- Step up enforcement and review the current inspection method (such as staying at the scene longer and conducting plain-clothes inspections) for better chance of successful collection of evidence

FEHD
Substantiated

Food and Environmental Hygiene Department ("FEHD") and Lands Department ("LandsD")

Delay in handling a complaint about prolonged occupation of a bicycle parking space by a suitcase

A bicycle parking space was occupied persistently by a suitcase locked together with a bicycle. FEHD and LandsD, however, failed to resolve the problem upon complaint.

FEHD explained that it was not within its purview to tackle the problem of abuse of bicycle parking spaces. It had requested the local District Office to coordinate joint operations with relevant departments to clear illegally parked bicycles. FEHD admitted it had failed to refer this case to the District Office in a timely manner and instructed its staff to make improvements.

LandsD explained that on the day of joint operation, its District Lands Office ("DLO") posted a statutory notice pursuant to the law, requiring cessation of occupation of the Government land before a specified date, otherwise DLO would take further enforcement action, including taking possession of the articles on the site.

On the day of expiration of the period prescribed in the statutory notice, DLO discovered that the statutory notice previously affixed on the bicycle concerned had disappeared. Therefore, it did not arrange removal of the bicycle. Afterwards, DLO found that the bicycle and the suitcase had been successively removed.

We accepted that DLO had followed established procedures in taking action. However, we considered it an enforcement loophole that offenders could circumvent LandsD's clearance action by simply removing the statutory notices. LandsD should review its practice.



FEHD
Partially substantiated

LandsD
Unsubstantiated

Recommendations to FEHD and LandsD

FEHD – review the handling procedures for similar cases to avoid recurrence of late referrals

LandsD – seek legal advice to plug the enforcement loophole

Food and Health Bureau ("FHB"), Food and Environmental Hygiene Department ("FEHD"), Lands Department ("LandsD") and Highways Department ("HyD")

Failing to properly handle the unauthorised display and affixing of bills and graffiti in public places

The Complainants alleged that there were a lot of unauthorised bills, which created the so called "Lennon Walls", and graffiti on pedestrian subways, footbridges, roads, road signs, etc. in public places across the territory. They were dissatisfied that FHB, FEHD, LandsD and HyD had failed to properly remove these "Lennon Walls" and graffiti.

FEHD explained that it is responsible for organising clean-up operations for removing unauthorised bills in public places. It would give priority to dealing with the "Lennon Walls" causing serious environmental hygiene problems. After investigations, we came to know that FEHD's clean-up operations and enforcement work had had considerable difficulties and limitations. In any event, FEHD had indeed removed many "Lennon Walls". Nonetheless, we considered it to have failed to explain to the public clearly its strategy, and the rationale behind, in handling "Lennon Walls", thus giving the public an impression of its failure to discharge duties.

FHB had not indicated that "Lennon Walls" would not be dealt with and it had monitored the work of FEHD. We, however, considered that FHB had fallen short of public expectation by failing to explain to the public whether FEHD had properly followed the policies on environmental hygiene whilst handling the "Lennon Walls" problem.



HyD, which was responsible for removing graffiti on public roads and their ancillary facilities under its jurisdiction, had removed graffiti on many road facilities.

LandsD was not the department responsible for cleaning up the "Lennon Walls" and graffiti involved in this case.

We urged FHB and FEHD to learn from this complaint. When handling similar incidents in the future, they must explain the strategies and work progress clearly to the public to avoid misunderstanding.

FHB and FEHD
Unsubstantiated, but other inadequacies found

LandsD and HyD
Unsubstantiated

Hospital Authority ("HA")

Undesirable arrangement of drug dispensing outside the pharmacy's service hours at St. John Hospital ("St. John")

The Complainant visited St. John's Accident and Emergency ("A&E") Department in Cheung Chau on a Sunday and was prescribed antibiotics for 7 days. However, the nurse at A&E Department just gave her one day's dosage on that day.

Our investigation found that St. John provides 24-hour A&E services but its pharmacy opens on weekday mornings and afternoons, and Saturday mornings (except public holidays) only. Outside the pharmacy's service hours, duty nurses of A&E will give patients the dosage of drugs sufficient for their consumption until the pharmacy re-opens. Patients can collect the remaining dosage from other HA hospitals which have 24-hour pharmacy services or wait until St. John's pharmacy re-opens. On the day of the Complainant's visit, the A&E nurse thus followed the established procedure and gave her antibiotics for just one day. We considered this current practice of drug dispensing outside the pharmacy's service hours undesirable for patients.

After our intervention, HA has conducted a review and planned to make use of information technology and automated dispensing cabinets to facilitate drug dispensing outside the pharmacy's service hours at St. John.



Recommendation to HA

Review the drug dispensing arrangement of St. John Hospital outside its pharmacy's service hours

HA
Substantiated

Housing Department ("HD")

Issued letters for flat selection twice under different schemes

The Complainant submitted applications under the Home Ownership Scheme ("HOS") 2018 and under the Sale of Green Form Subsidised Home Ownership Scheme Flats ("GSH") 2018. He complained against HD for having sent to him the letter for flat selection under GSH 2018 about one month after he had purchased a flat under HOS 2018.

HD explained that HOS and GSH were two different schemes with different timetable and operated under two independent computer systems. As the Chief Executive announced new measures in relation to subsidised sale flats in June 2018 resulting in deferring the flat selection dates for HOS 2018, the timing of flat selection under the two schemes became partly overlapped. Through various documents, HD reminded applicants that their GSH 2018 applications would be cancelled after they had successfully purchased a flat under HOS 2018.

While we agreed that the rights of the Complainant were not affected by HD's action, we considered that HD should ensure the accuracy of the information it disseminated. Furthermore, HD should have sufficient time, in terms of months, to take necessary measures to avoid the confusion that an applicant who had already purchased a flat under a housing scheme would receive the letter for flat selection under another scheme.



Improvement measure of HD

In the course of our investigation, HD proactively undertook to enhance its computer systems to avoid the loophole as shown in this complaint case.

HD
Substantiated

Housing Department ("HD")

Failing to inform the complainant that some pipeworks of his flat were located at the flat below such that he had not asked HD to carry out the related pre-sale maintenance

The Complainant purchased his public rental housing flat under the Tenants Purchase Scheme. Not knowing that some pipeworks of his flat were located at the flat below, he had not asked HD to carry out the related pre-sale maintenance. Four years later, those pipes began to leak and he, as owner, had to take up the repair responsibility.

HD explained that the Agreement for Sale and Purchase stated that the flat was sold on an "as is" basis. With caring as one of its core values, HD provides the so-called "pre-sale maintenance" to remind buyers that they can request repair of damaged facilities inside a flat before they formally become its owner. The seller (i.e. the Hong Kong Housing Authority, "HKHA") is under no legal obligation to inform the buyer of the locations of exterior facilities which are for the exclusive use of a flat. The buyer should take action to check the condition of the flat and examine its related facilities.

This Office agreed to the principle of *caveat emptor* (which means "buyers beware") in the sale and purchase of properties. Just like any private property owner, HKHA is not legally obligated to take the initiative to inform the buyer about the condition of exterior facilities which are for the exclusive use of a flat. The pre-sale maintenance service it provides does not violate this principle. The onus of repairing the pipes that began to leak four years after purchase rested with the incumbent owner.



HD
Unsubstantiated

Joint Office for Investigation of Water Seepage Complaints ("JO") – comprising staff from Food and Environmental Hygiene Department ("FEHD") and Buildings Department

Failing to answer properly an enquiry letter despite repeated reminders

The Complainant, a solicitors firm, wrote to JO, enquiring whether any inspection had been conducted at the flat above their clients', and if so, to let them have the details and findings of the inspection together with a copy of the inspection report. Despite repeated reminders and a lapse of about 6 months, the Complainant had yet to receive a proper reply.

Our investigation revealed that the letters from the Complainant had been passed to the case officer, who was a staff member of FEHD, without his supervisor's notice and the case officer had failed to comply with the standard practice to have his reply letters cleared by his supervisor before they were issued. JO admitted fault and tendered an apology to the Complainant.

JO took the initiative to implement improvement measures.



Key improvement measures of JO

- Provide the case officer with proper coaching immediately
- Reminding staff to hand incoming correspondence to the supervisors of case officers first
- Ensuring relevant internal guidelines are circulated to officers and re-circulated every 6 months
- Reminding staff to input all key milestones into the complaint management system

JO
Substantiated

Lands Department ("LandsD")

Problems in the renewal of a short term tenancy at nominal rent

The Complainant alleged that LandsD had all along renewed a short term tenancy ("STT") at nominal rent to let the tenant use the rented land as a farewell hall. The Complainant was dissatisfied that LandsD had failed to review whether the land was still suitable for being a non-profit making farewell hall and had continuously renewed the tenancy.

Our investigation found that it was generally reasonable for LandsD to have renewed the STT at nominal rent over the years and to have considered the land suitable for use as a farewell hall. However, the renewal of the STT had not got policy support from relevant bureaux/departments. This was not consistent with LandsD's practice in force. LandsD explained that the practice in force was not applicable to the STT as policy support was not required for its granting, which occurred years ago. We considered it not understandable why LandsD had not drawn up work guidelines for renewal of tenancies similar to the nature of the STT, which did not require policy support for granting from the outset.



Key recommendations to LandsD

To draw up guidelines to deal with problems pertinent to renewal of short term tenancies at nominal rent that were granted without a need for policy support from the outset, and seek policy support from relevant bureaux/departments when renewing the STT concerned (and other short term tenancies of similar nature)

LandsD
Partially substantiated

Post Office ("PO")

Mail redirection service failure

The Complainant found that his mail was not redirected although he had applied for mail redirection service. He complained to PO. However, the problem continued.

Upon inquiry, the Office found that relevant mail would first be sent to the post office serving Complainant's old address. After sorting, the mail would be redirected. According to guidelines, the postman should put a sticker at the corresponding compartment at the sorting rack to indicate that mail redirection service was in force. The postman did not specify the flat number concerned, which resulted in omission in sorting for mail redirection.

Upon our intervention, PO had checked all sorting racks to ensure that stickers, with flat number specified, are put at relevant compartments.



Recommendation to PO

To stipulate on internal guidelines that postman must specify the flat number(s) concerned on the sticker, and to strictly enforce the requirement

PO
Substantiated

Post Office ("PO") and Rating and Valuation Department ("RVD")

Discontinuation of postal service to an address in a village in the New Territories

The Complainant complained against PO for sudden discontinuation of postal service to his address in a village. PO explained to the Complainant that it was due to unregistered building number of his address.

For addresses already being served even if building numbers have not been allocated by RVD, delivery service would continue to be provided (i.e. "grandfathered cases"). The Complainant's case was one of the grandfathered cases.

Our investigation revealed that the delivery service to the house concerned were suspended intermittently due to PO's inadequate record keeping, misunderstanding of staff on the delivery policy and handover during changes of postmen.

The delivery service to the Complainant's address has been resumed after the intervention of this Office.



PO
Substantiated

RVD
Unsubstantiated

Key recommendations to PO

- Keep a comprehensive list of grandfathered cases
- In consultation with RVD, set up a master list of addresses with building number and devise a mechanism to update and cross-check the list

Transport Department ("TD")

Allowing bus companies to release over-general information on bus frequency; failing to respond to complaints on lost bus trips

The Complainant complained against TD's failure to monitor bus companies in respect of over-general information on bus frequency, as well as failure to respond to his complaints on lost bus trips.

Upon inquiry, this Office found that bus companies have to provide detailed bus frequency information, breakdown to various time periods in the day, to TD. However, simplified information is provided to the public. This Office considered that TD should proactively provide or require bus companies to provide more detailed bus frequency information for public inspection, so as to enhance transparency and facilitate the public to monitor situation of lost bus trips.

Although TD had replied to Complainant's complaints, it had only done so upon our intervention. TD did not provide substantive reply to the Complainant in a timely manner, which caused misunderstanding that TD did not follow up the complaints and in turn, it generated even more complaints.



Key recommendations to TD

- Provide channels for the public to check detailed information on bus frequency
- Identify repeated cases or cases of similar nature and prioritise complaint handling

TD
Partially substantiated

Working Family and Student Financial Assistance Agency ("WFSFAA")

Failing to properly handle student financial assistance application

The Complainant, upon separation from her husband, wished to replace her ex-husband as the applicant for her son's student financial assistance. While enquiring with WFSFAA, she learnt that the agency had already released part of the subsidy to her ex-husband. However, she had never signed any application form in the capacity of the applicant's spouse and therefore suspected that her signature had been forged.

There was no improperness for WFSFAA to approve the ex-husband's application and release the subsidy in accordance with the procedures. Nevertheless, the Complainant alleged that someone had forged her signature, involving suspected deception of public funds. Before this Office intervened, WFSFAA had only refused the Complainant's request for being the applicant, without conducting initial investigation into the allegation on signature forgery. There was improperness on the part of WFSFAA in this regard.



WFSFAA
Partially substantiated

Recommendation to WFSFAA

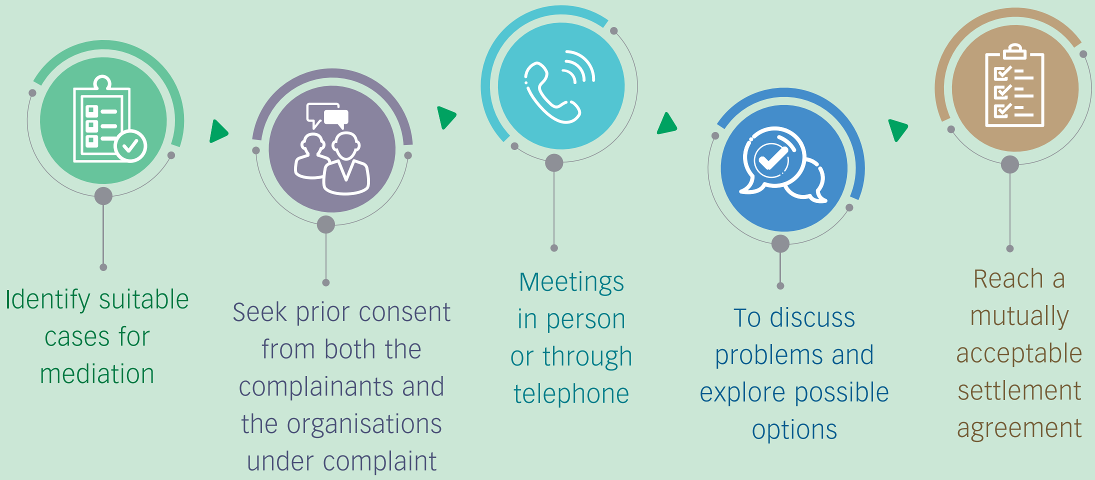
Formulate and revise relevant guidelines for improvement

What is Mediation?

Mediation is an efficient means of alternative dispute resolution aiming at resolving complaints involving minor or no maladministration.



Procedures of Mediation



Terms in the settlement agreement may take various forms provided that the agreed terms are not in breach of the law and would not lead to decisions or acts of maladministration by the participating organisations.

In case of failure, we will assign another case officer to take over the complaint and examine it afresh for either an inquiry or a full investigation where appropriate.

Our Performance

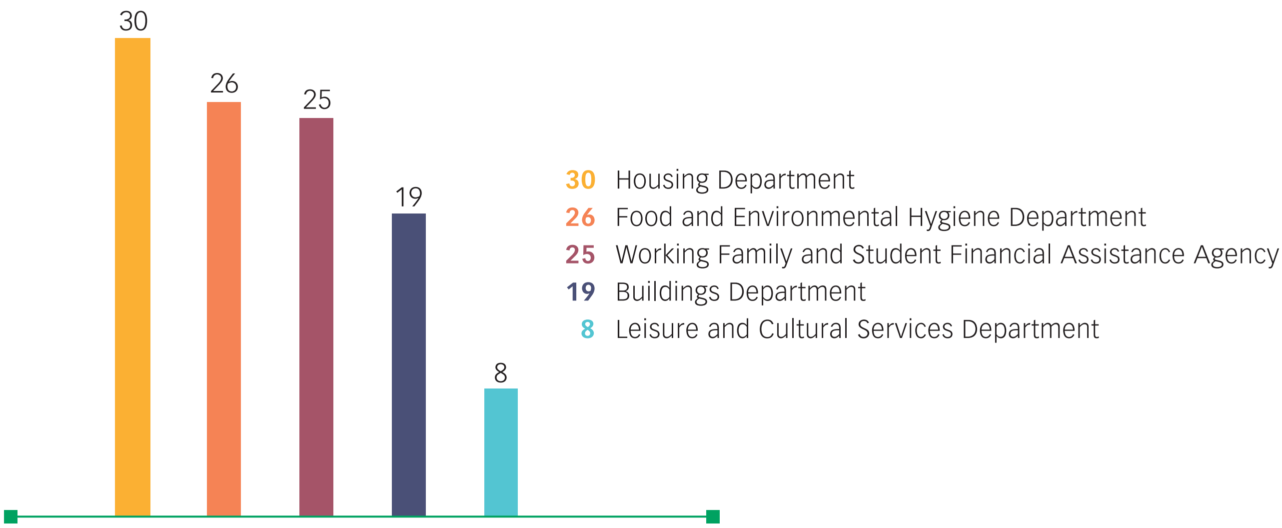
This year marked another rewarding year of our mediation work. Among the 2,807 cases pursued and concluded, 149 cases (5.3%) were concluded by mediation.

We were pleased to note that the number of departments and organisations participating in mediation was on the rise in the past five years, from 21 in 2015/16 to 25 in 2019/20.



149
mediated cases

Top Five Organisations with successful mediation cases (2019/20)



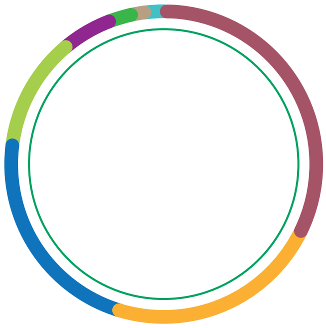
The Official Receiver's Office participated for the first time. The top three organisations with the largest numbers of successfully mediated cases were the Housing Department (30 cases, 20.1%), the Food and Environmental Hygiene Department (26 cases, 17.4%) and the Working Family and Student Financial Assistance Agency ("WFSFAA") (25 cases, 16.8%).

Of the participating organisations, we noticed a significant increase in the number of mediation cases by the WFSFAA from 1 in 2018/19 to 25 in 2019/20.

Most of these cases were about the Caring and Sharing Scheme administered by WFSFAA, covering mainly the handling of enquiries about the application status, as well as application criteria and payment methods of the Scheme. During the course of mediation, we considered the Agency to have responded quickly and put forward constructive proposals for addressing the matters under complaint.

Comparing to inquiry and full investigation, mediation provides a speedier way of complaint handling where the average processing time was 13.4 days and in most cases (89.3%) not exceeding one month. It was encouraging that over 32% of mediation cases were resolved with 5 days.

Successfully Mediated Cases by Nature of Complaint (2019/20)



32.4% Delay/inaction
22.5% Lack of response to complaint
22% Error, wrong advice/decision
12.1% Ineffective control
5.2% Failure to follow procedures
2.3% Poor staff attitude
1.7% Faulty procedures
1.7% Disparity in treatment, unfairness

Compliments

On successful conclusion of mediation cases, we issued questionnaires to the complainants and participating organisations to obtain their feedback. Among those who had returned the questionnaires, over 91% of the complainants and all of the participating organisations had positive impression of our mediation service and most of them were satisfied with the performance of our mediators.

對貴署提供的調解服務，快捷、感到令人滿意，體現貴署對小市民投訴的重視，為個案主任點讚，再接再厲為市民服務，謝謝。

Good speaking skill, perfect attitude, resolving the question in a short period.

非常滿意，有關人員有禮、有耐性、講解及協助均很清晰、快捷，謝謝。

我們認為調解員能在短時間內掌握個案的背景和重點，並適當地回應投訴人，順利完成調解。貴署可多鼓勵市民使用調解服務，以便加快處理投訴的程序，善用資源。

希望貴署繼續以調解方式處理日後較簡易的個案，以令其他政府部門能更有效率地處理投訴。

Your officer came as a caring and effective person in helping us to achieve our aim.

Award on Mediation

In order to acknowledge the participating organisations for their commitment and excellence in mediation, we have since introduced an Award on Mediation in The Ombudsman's Awards in 2018.

2018 – Housing Department

Demonstrated a proactive attitude in responding to our invitation to mediation.



2019 – Food and Environmental Hygiene Department

In the respective financial year, around a fifth of the cases handled by mediation were FEHD cases, it adopted a pragmatic approach in exploring a win-win solution with the complainants for jointly resolving the problems.

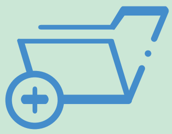


Access to Information

One of our functions is to investigate complaints on non-compliance with the Code on Access to Information ("the Code") by all Government departments and public bodies covered by the Code.

Transparent Government

The Code is a set of administrative guidelines adopted by the Government under which all Government departments and public bodies covered by the Code are required to make available to public the information they hold, unless there is a reason specified by the Code to withhold it. The Code aims at informing the public about the Government, the services it provides and the basis for policies and decisions that affect individuals and the community as a whole.





Complaints on Access to Information

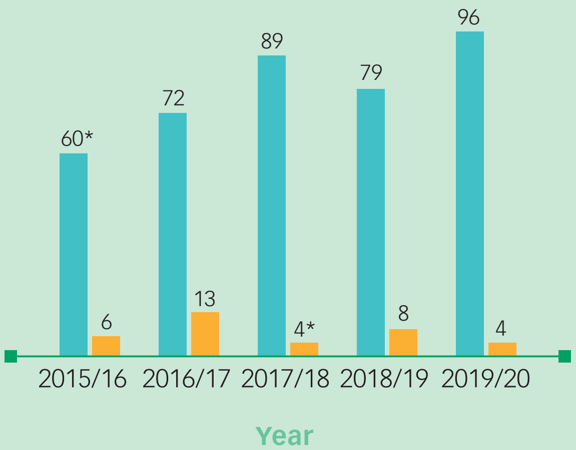
There are two types of complaint cases related to access to information ("ATI"):

- complaints against Government departments or public bodies covered by the Code
- complaints against public organisations not covered by the Code

During the year, we received a total of 100 complaints about ATI, which is a record high. This shows that public expectation for an open and accountable Government is on the rise.

Among the 84 ATI complaints concluded, inadequacies were found in 40 cases (48%).

Number of ATI Complaints Received in the Past Five Years



Organisations covered by the Code

Organisations not covered by the Code

* The figures include cases (two each in 2015/16 and 2017/18) not recognised as such complaints in the year when they were received but so classified on conclusion in subsequent years

ATI Complaints (statistics between 1 April 2019 and 31 March 2020)

	Organisations covered by the Code	Organisations not covered by the Code
Received	96	4
Concluded*	78	6

* Including those carried forward from last year

Number of Faults Found in ATI Complaints Concluded



42 Non-compliance with specific provision of Code (61%)
15 Unreasonable refusal/hindrance (22%)
12 Wrong application/interpretation of provision of Code (17%)

Non-compliance with Specific Provision of Code



17 Failure to meet target response time (40%)
10 Failure to inform requester channel of review/complaint (24%)
9 Others (21%)
3 Failure to provide reason for refusal (7%)
2 Failure to consider provision of part of a record (5%)
1 Failure/impropriety in seeking third party consent (2%)

Wrong Application/Interpretation of Provision of Code



5 Inappropriate Part 2 reason cited for refusal (42%)
5 Wrong analysis (42%)
2 Others (17%)

Note: Percentages do not add up to 100% due to rounding

Buildings Department ("BD")

Refusing to provide investigation reports and other relevant information



The complainant requested BD to provide the investigation reports, information about the investigation personnel, the contract entered into between BD and its consultant, and other relevant information about alleged defective waste water pipes on her premises, but BD refused her request on the grounds that such information involved legal proceedings, third party information and privacy of the individual, and business affairs.

Our investigation revealed that while the information requested by the complainant was related to her appeal, BD did not specify how the disclosure of such information would prejudice the conduct of the appeal proceedings. As a matter of fact, as the appeal proceeded, BD provided all the information requested. Furthermore, same as public officers, staff of Government department's consultants are obliged to disclose their names and post titles upon request when performing official duties. Nor did we see how the disclosure of the contract entered into between BD and its consultant would harm the competitive or financial position of the consultant. BD could have simply obliterated information that was sensitive when providing such information to the complainant.

Recommendation

Enhance staff training on the Code and its Guidelines on Interpretation and Application

Partially substantiated

Civil Engineering and Development Department ("CEDD")

Excessive masking of a report on traffic and transport impact assessment

The complainant asked CEDD for a copy of a traffic and transport impact assessment report. Concerned that the report contained information which was obsolete, outdated, relating to incomplete analysis/research or no longer applicable, CEDD provided him with a heavily masked copy of the report.

We considered that CEDD's concern could be addressed by releasing the report with explanatory notes explaining the ways in which information in the report was defective, instead of heavily masking the report. CEDD eventually adopted this approach on review and in the course of our investigation, releasing most of the previously masked information in the report, with explanatory notes.



Partially substantiated

Recommendation

Take reference from this case and enhance staff training for appropriate application of the Code

Development Bureau ("DEVB")

Refusing to provide the tenancy agreements for two revitalisation projects of historic buildings

The complainant made a request to DEVB for the tenancy agreements that the Government had entered into regarding two revitalisation projects, namely the former Central Police Station Compound and the former Police Married Quarters on Hollywood Road.

Our investigation revealed that DEVB's refusal to provide the information was unreasonable. First, the Government had already made available to the public some of the major clauses under the tenancy agreements concerned. As no confidential information was involved in many clauses, the disclosure of which would not prejudice the Government's commercial interests or efficient conduct of its operations. Further, it was stipulated in both agreements that the Government had the right to disclose information with regard to the agreements to other parties concerned. The Government, therefore, had no duty of confidentiality with regard to content of the agreements that was not confidential or sensitive.



Recommendation

Reconsider which parts of the agreements should not be disclosed and provide the complainant with a copy of the documents after obliterating such information

Substantiated

Hong Kong Police Force ("HKPF")

Refusing to provide information

A complainant requested HKPF to provide the names and staff numbers of police officers engaged in the operations on specified dates under the Code. HKPF refused the request by invoking paragraphs 2.6(f) and 2.15 of the Code (i.e. might affect law enforcement, public safety and privacy of individual).

HKPF explained to us that disclosure of the information might assist lawbreakers in estimating the strength of Police on ground, thus causing harm to its work on the preservation of public safety. Moreover, it was obliged by the Personal Data (Privacy) Ordinance to protect the personal data of police officers from being abused.

We considered that HKPF's refusal to disclose the information did not violate the Code. However, HKPF failed to elaborate to the complainant its justification for refusal in accordance with the Code. We urged HKPF to make improvement in that regard.



Unsubstantiated but other inadequacies found

Recommendation

Nil

Hong Kong Police Force ("HKPF")

Refusing to provide information

A complainant requested HKPF to provide information relating to the procurement and disposal of tear gas rounds under the Code. HKPF refused the request by invoking paragraphs 2.6(e) and 2.6(f) of the Code, stating that the disclosure of which would harm its work on the prevention of crime and preservation of public safety or order.

We accepted that the information concerned was of the category set out in paragraph 2.6(f) of the Code, disclosure of which would reveal the supply of HKPF's ammunition and relevant details, and may cause harm to its work on the preservation of public safety. However, HKPF failed to elaborate to the complainant its justification for refusal in accordance with the Code. We urged HKPF to make improvement in that regard.



Recommendation

Nil

Unsubstantiated but other inadequacies found

Judiciary Administrator ("JA")

Imprecise responses to information requests

The complainant made two information requests to JA by virtue of the Code, mainly about the dates of taking the judicial oath for assuming office of three judges and the names of their oath administrators. In its replies to the complainant, JA only explained that those judges had duly taken judicial oath when assuming their offices. JA considered it to have acceded to the complainant's information requests on the premise of not disclosing the personal data of the personnel concerned.

After investigation, we pointed out that JA had failed to provide the requested information to the complainant, or justify its non-disclosure in accordance with Part 2 of the Code. Upon our intervention, JA eventually provided the requested information to the complainant.



Substantiated

Recommendation

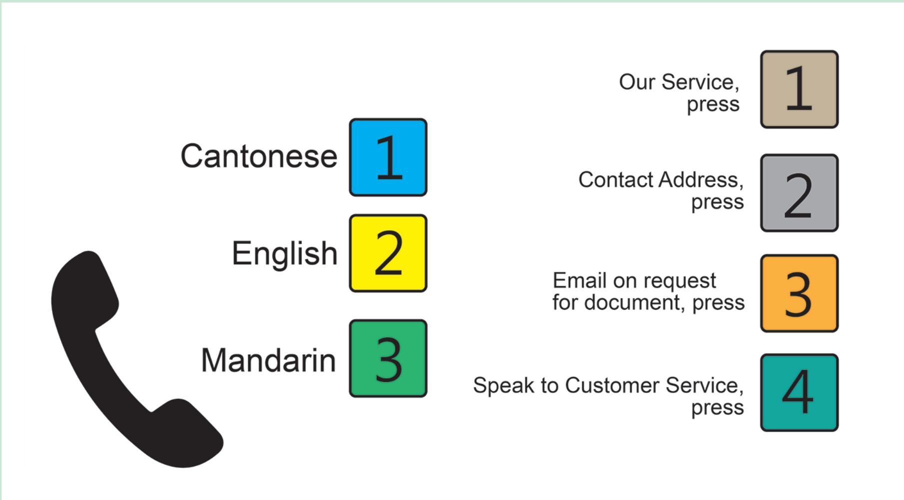
Strengthen staff training on the Code

Office of the Communications Authority ("OFCA")

Refusing to provide the service options menus of its telephone hotline voice system

The complainant requested OFCA to provide the service options menus of its telephone hotline voice system so that he could easily find the hotline service option he needed at a glance. OFCA refused the request on the grounds of harm to the efficient conduct of its operation and unreasonable diversion of its resources.

Our investigation revealed that OFCA's refusal to the request was unreasonable. With suitable revisions, OFCA should be able to disclose the said information to the public without harming the day-to-day operation of its telephone hotline. The resources (such as manpower and time) involved in making such revisions should also be limited.



Recommendation

Provide the complainant with the said information after making the necessary revisions

Substantiated

Transport Department ("TD")

Delay in providing information

The complainant complained against TD for failing to provide him with the lists of tenderers and the successful tenderers for three new franchised bus routes for a new control point.

Our investigation revealed that TD found it more appropriate and prudent to release the requested information, together with other information in relation to the new control point, by public announcement upon commissioning of the new control point. It eventually took nearly four months to provide the requested information to the complainant, which far exceeded the response timeframe stipulated in the Code.

We considered TD should have explained its reason for non-disclosure by citing paragraph 2.17 of the Code (information which will soon be published, or the disclosure of which would be premature in relation to a planned announcement or publication).



Partially substantiated

Recommendation

Remind staff to follow the provisions of the Code in handling information requests

Improving Public Administration

Through impartial investigations, we aim to find out what have triggered complaints, redress grievances and address issues arising from maladministration in the public sector and bring about better public administrative practices.

Our recommendations fall into the following categories:

(1) guidelines for clarity, consistency or efficiency in operation
(2) better arrangements for inter-departmental co-ordination
(3) measures for better public enquiry/complaint handling
(4) measures for better client services
(5) measures for more effective regulation or control
(6) clearer/more reasonable rules and charges
(7) clearer and more timely information to the public
(8) training for staff
(9) others



To ensure that our recommendations are realistic and effective in bringing about better public administration, we often discuss our observations and views with senior officers of the organisations concerned in the course of investigations. Such exchanges are useful in clarifying points of doubt and better understanding the real problems.

The organisations concerned are expected to act adequately upon our recommendations and inform us should they encounter any difficulties in implementing our recommendations. We will monitor the progress of implementation. Where an organisation does not adequately act upon a recommendation, we may submit a report to the Chief Executive of the Hong Kong Special Administrative Region. In such event, The Ombudsman Ordinance requires that a copy of the report be laid before the Legislative Council within one month or such longer period as the Chief Executive may determine.

Below are the figures on our investigations conducted and recommendations made for this financial year.

Full investigations conducted : **240**

Recommendations made : **128** (72.3%)

Direct investigations conducted : **10**

Recommendations made : **49** (27.7%)



Accepted for implementation : **148** (83.6%)

Under consideration : **29** (16.4%)

As always been the case, most of our recommendations were accepted and implemented. A small percentage of our recommendations have not yet been implemented because the organisations concerned might subsequently come up with other alternatives or our recommended measures were no longer necessary as the action that had caused a complaint would not be taken again due to, for instance, cease of the relevant work by the organisation.

The major examples of the improvement measures implemented in this financial year are listed below.

Organisation (Case reference)	Improvement measures	Category
1823 (2018/1615C)	• Staff of other departments reminded to tick the right box in the intranet system when referring a case to 1823	(2)
	• Checklist of follow-up actions inserted for staff of other departments to tick in the intranet system when replying to 1823	
Agriculture, Fisheries and Conservation Department (2018/2608A)	• Procedures revised to strengthen supervision on processing and filing of all information related to dog bite cases and ensure all relevant information and evidence should be provided to the Prosecutions Unit of the Department for consideration	(1)
	• Procedures revised to strengthen supervision on issuing, filing of all ongoing correspondence and all records of communication related to dog bite cases	
	• Arrangement of handling enquiries related to dog bite cases reviewed. A new form containing general information about handling of dog bite cases would be issued to the victim concerned	(3)
	• Disciplinary actions taken against the staff concerned for misconduct	(9)
Buildings Department (2018/4202)	Measures taken to closely follow up on cases of non-compliance with statutory orders	(5)

Organisation (Case reference)	Improvement measures	Category
Buildings Department (2018/4498)	Work manual updated to instruct staff to keep the relevant departments informed of the progress of the Department's follow-up action so that the relevant departments could consider whether or not they should intervene to stop pavement obstruction	(3)
Buildings Department & Food and Environmental Hygiene Department (DI/414)	• Measure taken to standardise the duration of air-conditioner dripping tests • Practice Notes updated to remind Authorised Persons to advise their clients to install communal system for disposing condensate from air-conditioners	(1) (5)
Correctional Services Department (2019/1156)	Head of Institution Procedures revised for conducting letter checking process at a more private location and to remind staff to stay alert during the process so that the content of an inmate's letter, especially that with his lawyer, would not be read by others	(1) (4)
Department of Health (2018/4728)	Application form for Tobacco and Alcohol Control Office's no-smoking signs revised to enhance applicants' understanding of No Smoking Area to avoid displaying signs in inappropriate areas	(6)
GS-Education Bureau (2018/4972)	Training provided to the staff responsible for tender exercises	(8)

Organisation (Case reference)	Improvement measures	Category
GS-Education Bureau (DI/422)	• Support for school administration and teacher training strengthened to enhance the effectiveness of non-Chinese speaking ("NCS") students learning Chinese, including more school-based professional support services to support schools in adapting their school curricula according to the "Chinese Language Curriculum Second Language Learning Framework" • A set of teaching materials developed for reference and use by Chinese Language teachers to help them systematically adapt the Chinese Language curriculum according to individual NCS learner's needs • More inspections and checks initiated on whether kindergartens have implemented the measures it proposed, including provision of enrolment application forms and related information in English • Kindergartens advised to provide on their websites hyperlinks to the Bureau's website on kindergarten admission information prepared in seven major ethnic minority languages, as well as information on translation/interpretation services available to parents of NCS children	(4)
	• An additional funding of $150,000 would be granted from the school year of 2020/21 onwards to schools admitting one to five NCS students, and $300,000 to schools admitting six to nine such students	(9)
GS-Food and Health Bureau (2018/3890(I))	Consent obtained from private hospitals to release their annual bed occupancy rate to the public in future	(3)
GS-Innovation and Technology Bureau (2018/4419)	Case monitoring system revised to ensure that staff of 1823 will promptly bring up a case to the liaison officer or complaint officer of the department under complaint, and continue to follow up on the case until it is certain that an appropriate department is following up on the matter	(2)

Organisation (Case reference)	Improvement measures	Category
Highways Department (2018/1097)	• New guidelines issued to request contractors to confirm that no obstacles are found in works sites before issuing works order • New guidelines issued to request staff to report to the Lands Department and the Home Affairs Department to take follow-up action when obstacles occupying Government land are found in works site	(1) (2)
Home Affairs Department (2018/3717)	Evidence promptly compiled for Department of Justice's consideration of instituting prosecution in a case of non-compliance with the Building Management Ordinance	(9)
Home Affairs Department, Lands Department, Food and Environmental Hygiene Department, Agriculture, Fisheries and Conservation Department & Water Supplies Department (DI/248)	• Conditions in Burial Certificates reviewed. New conditions on tree felling arrangements and size restriction of burial site added in Certificates • Monitoring stepped up and inter-departmental working group formed to ensure compliance with the conditions in Certificates	(5)
Hong Kong Housing Society (2018/1612(R))	Procedures introduced to inform the non-public officers who become members of any advisory or statutory bodies at the outset that their identity would be made public	(1)
Hong Kong Police Force (2018/3889(I)) and others	Training conducted to enhance staff's understanding of the requirements of the Code on Access to Information	(8)
Hong Kong Police Force (2019/1240(I))	Information relating to the investigation report of a case in which the complainant was arrested provided to the complainant	(9)

Organisation (Case reference)	Improvement measures	Category
Hospital Authority (2017/1444)	• Circulars issued to remind staff to keep proper records for sexual harassment incidents	(3)
	• Measures taken to arrange volunteers aged under 18 to work mainly in public places, and with proper supervision by HA staff; human resources circular on prevention of sexual harassment issued	(5)
	• Staff training organised with assistance from the Equal Opportunities Commission	(8)
Housing Department (2017/4796)	Departmental instructions issued to give staff clearer directions on the use of fund and arrangement of publicity materials for Estate Management Advisory Committee-funded activities	(1)
Housing Department (2018/0130)	Work guidelines revised with clearer procedures on handling cases regarding placing of objects outside external wall, near window, outside balcony, on canopy or air-conditioner hood	(5)
Housing Department (2018/0719)	New guidelines issued to remind staff to advise moving out tenants as early as practicable to note the items to be reinstated and the costs the Department will charge if reinstatement work is done by the Department	(7)
Joint Office for Investigation of Water Seepage Complaints (2018/0729(I))	The handling fee for each investigation report capped at a ceiling price; only photocopying fee will be charged further if an application is over the ceiling price	(6)
Lands Department (2018/2165(I))	New terms added to letters of no objection to applicant for change of land use to give consent to the Government to disclose information including the amount of land premium and administration fee paid	(7)
Lands Department (2018/4793)	Boundary of a village resite promptly ascertained so that relevant departments' responsibilities can be identified	(2)

Organisation (Case reference)	Improvement measures	Category
Leisure and Cultural Services Department (2018/4697)	• Guidelines revised to provide clear instructions on the enrolment arrangements for sports and recreation services • Enrolment method changed from "first-come-first-served basis" to "balloting" for over-subscribed Aerobic Dance Programmes for reducing the number of participants trying to repeatedly joining the programmes	(1) (5)
Mandatory Provident Fund Schemes Authority (2018/3508C)	Two training workshops held for senior inspectors to improve the quality of written reply and shared with participants in a briefing session held by the Authority effective communication skills when dealing with complainants	(3)
Post Office (2019/1917)	Guidelines revised to stipulate that the colour label, which indicates the address for mail redirection, should be marked with unit number	(1)
Social Welfare Department (DI/398)	• Additional resources earmarked and retired officers from disciplinary forces recruited to strengthen the Department's inspection work • Frequency of inspections of subvented services of residential care homes for the elderly ("RCHEs") increased from at least once a year to about twice a year • More prosecutions against RCHEs with irregularities • Posted on website information about licence enforcement actions against RCHEs with irregularities such as suspension of licence and refusal of licence renewal	(5) (7)

Organisation (Case reference)	Improvement measures	Category
Social Welfare Department (DI/429)	Existing notification mechanism with the Housing Department strengthened so that the Social Welfare Department can provide the Housing Department direct with the details about Public Rental Housing tenants' imprisonment upon suspension of rent allowance payments and obtaining consent from the imprisoned singleton Public Rental Housing tenants	(2)
Social Welfare Department (2018/3029)	New written notices to family members of a person under a Guardianship Order stating the requirements of making reimbursement of expenditures by the Department	(7)
Transport Department (2018/3195)	• Repair works to be arranged first where appropriate to avoid delay even though the party responsible for paying the cost of maintenance is yet to be determined • Maintenance Schedule for newly established Public Transport Interchanges would include an item "Others" to make the relevant developer responsible for repair/maintenance of the facilities concerned where no parties affirm their duties for doing maintenance works	(1)
Transport Department (2018/3343(I))	Code of Practice provided in relation to the annual examination of private cars and light goods vehicles on the Department's website for public scrutiny	(7)
Working Family and Student Financial Assistance Agency (2018/5026)	• Guidelines drawn up for handling student financial assistance applications suspected to be deception cases • Internal guidelines revised to remind staff to respond to written enquiries in writing • Guidelines revised to ensure that telephone conversations regarding student financial assistance applications are properly recorded	(1)

Spreading Our Message

Publicity is an indispensable part of our work. During the year, we carried out an array of promotional activities to educate members of the public on our role, engage stakeholders of the community and solicit feedback.

Online and Social Media

We disseminate and communicate news of latest development through online channels and social media platforms. To enhance the transparency of our work, we published more investigation reports on the official website. News about the launch of direct investigations and publication of investigation reports were shared on our social media fanpage and website.



Media Events and Press Releases

Media is always our close working partner in promotion. With their support, our messages are put across to the public. At the commencement of my term of office in April 2019, I hosted a media gathering and shared with them the directions for the years ahead.







During the year, we organised two press conferences and issued six press releases to announce the results of 10 direct investigations. We also declared the launch of five direct investigations to invite public views.

Engagement with Local Working Partners and Community Leaders

We are committed to extending our reach to all sectors of the community to nurture positive complaint culture and share our experience.





This year, we participated in a total of nine talks to share our mission, scope of work and our experience in complaint handling with staff of different government departments and public organisations.

We were invited to speak at the "Mediate First" Pledge Event 2019 on 24 May 2019.



During the year, we received 12 groups from the mainland and overseas.





Dr. Pál Kertész, the Consul General of Hungary visited our Office on 17 January 2020.





The Legal Section of the Liaison Office of the Central People's Government in Hong Kong met with us on 2 May 2019.

On 17 October 2019, we organised a seminar for our Advisers and the Justices of the Peace (JPs) under our "JPs Assistance Scheme" and gave a brief report on our work and the strategic directions of the Office.







The list of Awardees can be found via the QR code scan:

The Presentation Ceremony of the Ombudsman's Awards was held on 8 November 2019. This year's Grand Award went to the Immigration Department for their exemplary performance in complaint handling and serving the public, whereas the Post Office and Social Welfare Department were the runners-up. The Food and Environmental Hygiene Department won the Award on Mediation. 54 public officers got the individual awards.



Overseas and Mainland Liaison

We maintain close ties with our counterparts in the mainland and worldwide.

In early September 2019, I visited the National Supervisory Commission in Beijing and their Shanghai Office with my colleagues.





In end September 2019, I attended the 31st Australasian and Pacific Ombudsman Region Conference and Business Meeting in Taipei.



In October 2019, I visited the Commission Against Corruption of Macao with my colleagues.

In November 2019, I attended the Asian Ombudsman Association (AOA) Board Meeting in Istanbul, Turkey and have been elected as Secretary of AOA.

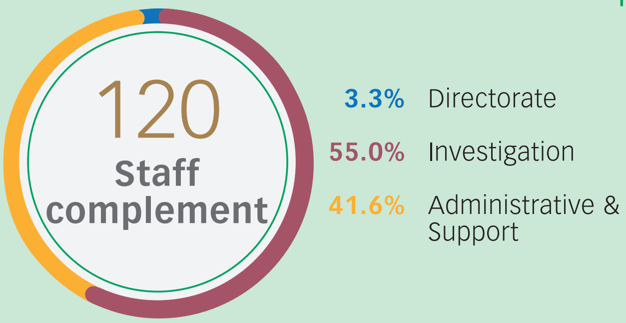




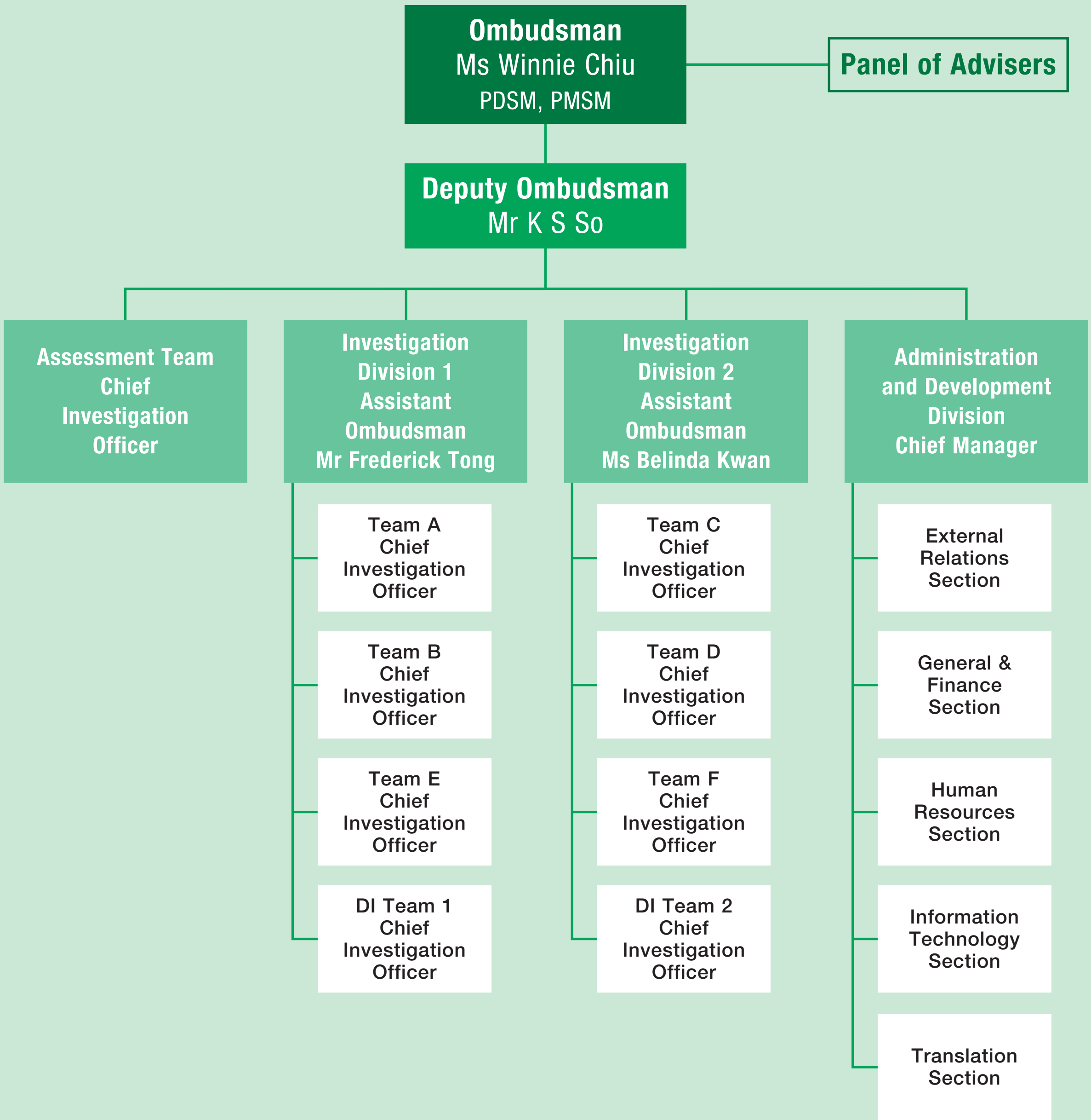
Our Office

We Value Our Staff

The dedication of our staff is the key to our success. We continued with the strategy of nurturing a solid base of home-grown talents and developing a healthy contingent of investigation officers. As at 31 March 2020, we have a staff complement of 120.



Organisation Chart



We continued to build our professional capacity and foster a learning culture through enhanced staff development and knowledge management in the year.



We organised induction training for new investigators to equip them with the knowledge to discharge their duties effectively.

We ran in-house vocational workshops to promote good customer service, in particular a positive mindset in complaint handling. We also sponsored officers to attend local management and vocational training to enhance their work knowledge and job skills.





To keep staff abreast of the best practices and latest trends in complaint handling in different jurisdictions, we sent staff to attend overseas training and attachment.

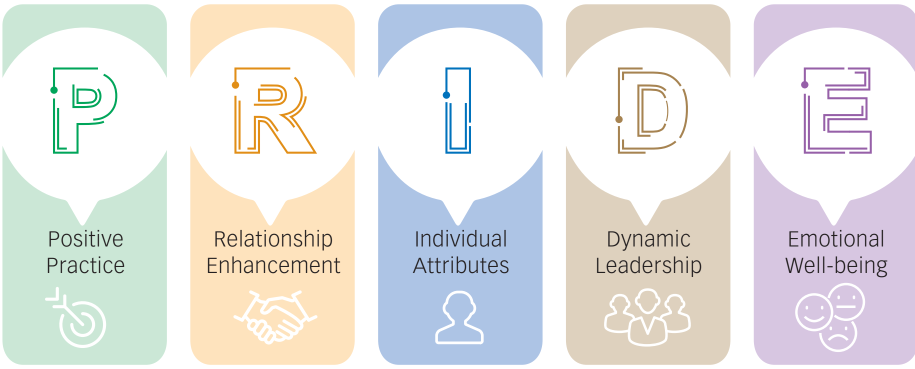
We are committed to promoting a learning culture by organising forums for staff to share their experience and takeaways in overseas training/attachment. We boosted our capacity in knowledge management and sharing by strengthening our database on training programmes.



We Care for Our Staff

We care about their well-being

We continued to run the Employee Wellness Programme to offer necessary coaching and counselling to our staff to help them achieve personal and professional effectiveness. A two-year thematic programme titled "Building a Positive Organisation with PRIDE" was launched in the year.





Management staff shared their ideas on staff engagement in attaining organisation goals at the Positive Leadership Training Workshop.





Colleagues enjoyed the discussion on the strengths that enable individuals and communities to thrive in the Positive Psychology Training Workshop.

We care about their working environment


Indoor Air Quality Certificate
室內空氣質素檢定證書

Valid period 有效日期: 22 September 2019 to 到 21 September 2020

I hereby certify that the indoor air quality of the following location(s) has fully complied with the Good Class of the Indoor Air Quality Objectives.

Name of building 建築物名稱: China Merchants Tower, Shun Tak Centre

Address 地址: 168-200 Connaught Road Central, Sheung Wan

Certified location(s) 已檢定地點: 30/F (Office of The Ombudsman, Hong Kong)

Name of competent examiner 合資格檢驗師姓名: HO NGA KI, ALDA

IAQ Certificate Issuing Body 室內空氣質素證書簽發機構: ACUMEN ENVIRONMENTAL ENGINEERING AND TECHNOLOGIES COMPANY LIMITED

Signature 簽署:

Date of issue 簽發日期: 15 October 2019

Certificate No. 證書編號: 3734844201910(2019)

Organisation Chop

Indoor Air Quality Certificate on Scheme for Offices and Public Places

Indoor Air Quality Information Centre

環境保護署 Environmental Protection Department



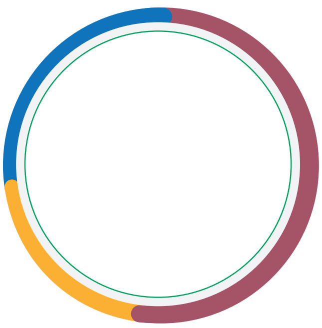
We have continued to attain the "Good" Class certification in the Indoor Air Quality Certification Scheme for Offices and Public Places.

During the outbreak of COVID-19, we put in place special work arrangements by phases from end January to March 2020 with an aim to resuming the provision of full public service in an orderly manner and at the same time helping reduce social contacts and the risk of the spread of the virus in the community. Additional precautionary measures were implemented to maintain hygiene at the office premises.

We Treasure Feedback on Our Service

This year, we concluded 30 complaints lodged against the manner of our staff and/or our work procedures. Of these, inadequacy on the part of our staff was found in one case and we had provided counselling to the officer concerned. Over 50% of the complaints against this Office stemmed from complainants' dissatisfaction with our conclusions and decisions on their cases against Government departments and public organisations. We explained to the complainants that these were the comments on our findings and there was established mechanism for re-assessment or review. Nevertheless, we take complaints most seriously as each complaint provides us with an opportunity to review our work systems and practices. We are always ready to improve our services to the community.

Nature of complaints against the Office



52.5% Related to office's decision on the case

27.5% Related to staff manner

21.0% Related to office's work procedures



ANNEXES

The Ombudsman, Hong Kong
Annual Report **2019/20**

List of Scheduled Organisations

Organisations Listed in Part I of Schedule 1, Cap. 397

A	Agriculture, Fisheries and Conservation Department (AFCD) Airport Authority (AA) All registries and administrative offices of courts and tribunals for which the Judiciary Administrator has responsibility (JA) Architectural Services Department (ArchSD) Audit Commission (Aud) Auxiliary Medical Service (AMS) Auxiliary Medical Service (Government department) (AMS)
B	Buildings Department (BD)
C	Census and Statistics Department (C&SD) Civil Aid Service (CAS) Civil Aid Service (Government department) (CAS) Civil Aviation Department (CAD) Civil Engineering and Development Department (CEDD) Companies Registry (CR) Competition Commission (ComC) Consumer Council (CC) Correctional Services Department (CSD) Customs and Excise Department (C&ED)
D	Department of Health (DH) Department of Justice (DoJ) Drainage Services Department (DSD)
E	Electrical and Mechanical Services Department (EMSD) Employees Retraining Board (ERB) Environmental Protection Department (EPD) Equal Opportunities Commission (EOC) Estate Agents Authority (EAA)
F	Financial Reporting Council (FRC) Fire Services Department (FSD) Food and Environmental Hygiene Department (FEHD)
G	General Office of the Chief Executive's Office (CEO) Government Flying Service (GFS) Government Laboratory (GovtLab) Government Logistics Department (GLD) Government Property Agency (GPA)

G	Government Secretariat (GS) – Chief Secretary for Administration's Private Office (CSPO) – Chief Secretary for Administration's Office (CSO) – Civil Service Bureau (CSB) – Commerce and Economic Development Bureau (CEDB) – Constitutional and Mainland Affairs Bureau (CMAB) – Development Bureau (DEVB) – Education Bureau (EDB) – Environment Bureau (ENB) – Financial Secretary's Private Office (FSPO) – Financial Secretary's Office (FSO) – Financial Services and the Treasury Bureau (FSTB) – Food and Health Bureau (FHB) – Home Affairs Bureau (HAB) – Innovation and Technology Bureau (ITB) – Labour and Welfare Bureau (LWB) – Security Bureau (SB) – Transport and Housing Bureau (THB)
H	Highways Department (HyD) Home Affairs Department (HAD) Hong Kong Arts Development Council (HKADC) Hong Kong Housing Authority (HKHA) Hong Kong Housing Society (HKHS) Hong Kong Monetary Authority (HKMA) Hong Kong Observatory (HKO) Hong Kong Sports Institute Limited (HKSIL) Hospital Authority (HA) Housing Department (HD)
I	Immigration Department (ImmD) Information Services Department (ISD) Inland Revenue Department (IRD) Insurance Authority (IA) Intellectual Property Department (IPD) Invest Hong Kong (InvestHK)
J	Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service (JSSCS)
K	Kowloon-Canton Railway Corporation (KCRC)

L	Labour Department (LD) Land Registry (LR) Lands Department (LandsD) Legal Aid Department (LAD) Legislative Council Secretariat (LCS) Leisure and Cultural Services Department (LCSD)
M	Mandatory Provident Fund Schemes Authority (MPFA) Marine Department (MD)
O	Office of the Communications Authority (OFCA) Official Receiver's Office (ORO)
P	Planning Department (PlanD) Post Office (PO) Privacy Commissioner for Personal Data (PCPD) Property Management Services Authority (PMSA)
R	Radio Television Hong Kong (RTHK) Rating and Valuation Department (RVD) Registration and Electoral Office (REO)
S	Securities and Futures Commission (SFC) Social Welfare Department (SWD)
T	The Hong Kong Examinations and Assessment Authority (HKEAA) Trade and Industry Department (TID) Transport Department (TD) Travel Industry Authority (TIA) Treasury (Try)
U	University Grants Committee, Secretariat (UGC) Urban Renewal Authority (URA)
V	Vocational Training Council (VTC)
W	Water Supplies Department (WSD) West Kowloon Cultural District Authority (WKCDA) Working Family and Student Financial Assistance Agency (WFSFAA)

Organisations Listed in Part II of Schedule 1, Cap. 397

I	Independent Commission Against Corruption (ICAC)
H	Hong Kong Auxiliary Police Force (HKAPF) Hong Kong Police Force (HKPF)
S	Secretariat of the Public Service Commission (PSC)

Circumstances where Complaints are not Followed up or Investigated

Actions not Subject to Investigation – Schedule 2, Cap. 397

1. Security, defence or international relations
2. Legal proceedings or prosecution decisions
3. Exercise of powers to pardon criminals
4. Contractual or other commercial transactions
5. Personnel matters
6. Grant of honours, awards or privileges by Government
7. Actions by the Chief Executive personally
8. Imposition or variation of conditions of land grant
9. Actions in relation to Hong Kong Codes on Takeovers and Mergers and Share Buy-backs
10. Crime prevention and investigation actions by Hong Kong Police Force or Independent Commission Against Corruption

Restrictions on Investigation of Complaints – section 10(1), Cap. 397

1. Complainant having knowledge of subject of complaint for more than two years
2. Complaint made anonymously
3. Complainant not identifiable or traceable
4. Complaint not made by person aggrieved or suitable representative
5. Subject of complaint and complainant having no connection with Hong Kong
6. Statutory right of appeal or remedy by way of legal proceedings (except judicial review) being available to complainant

Circumstances where The Ombudsman may Decide not to Investigate – section 10(2), Cap. 397

1. Investigation of similar complaints before revealed no maladministration
2. Subject of complaint is trivial
3. Complaint is frivolous or vexatious or is not made in good faith
4. Investigation is, for any other reason, unnecessary

Caseload

	Reporting year[1]				
	15/16	16/17	17/18	18/19	19/20
Enquiries	**12,159**	**11,564**	**11,424**	**10,403**	**8,581**
Complaints					
(a) For processing	**6,112**	**5,732**	**5,587**	**5,808**	**20,737**
– Received	5,244[213]	4,862[74]	4,829[68]	4,991[349]	19,767[15,034]
– Brought forward	868	870	758	817	970
(b) Completed	**5,242[224]**	**4,974[74]**	**4,770[61]**	**4,838[353]**	**19,838[15,040]**
Pursued and concluded	**3,100[205]**	**2,907[40]**	**2,724[52]**	**2,912[344]**	**2,807[326]**
– By inquiry[2]	2,740[175]	2,556[16]	2,292[37]	2,502[326]	2,418[217]
– By full investigation[3]	226[30]	218[24]	195[15]	205[18]	240[109]
– By mediation[4]	134	133	237	205	149
Assessed and closed	**2,142[19]**	**2,067[34]**	**2,046[9]**	**1,926[9]**	**17,031[14,714]**
– Insufficient grounds to pursue[5]	1,187[4]	1,102	1,099	1,037[9]	8,676[7,496]
– Legally bound[6]	955[15]	965[34]	947[9]	889	8,355[7,218]
(c) Percentage completed = (b)/(a)	**85.8%**	**86.8%**	**85.4%**	**83.3%**	**95.7%**
(d) Carried forward = (a) – (b)	**870**	**758**	**817**	**970**	**899**
Direct investigations completed	**8**	**11**	**12**	**12**	**10**

Note 1. From 1 April to 31 March of the next year.

Note 2. Pursued under section 11A of The Ombudsman Ordinance, for general cases.

Note 3. Pursued under section 12 of The Ombudsman Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.

Note 4. Pursued under section 11B of The Ombudsman Ordinance, for cases involving no, or only minor, maladministration.

Note 5. Not pursued but closed for reasons such as lack of *prima facie* evidence, organisation concerned is taking action, mere expression of opinion.

Note 6. Outside the Office's jurisdiction or restricted by The Ombudsman Ordinance.

[ ] Number of topical complaints.

– See "Glossary of Terms" in Chapter 1 for detailed definitions of the above terms.

Index of Cases Concluded by Full Investigation

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
Agriculture, Fisheries and Conservation Department			
2018/2608A	(1) Delay in informing the complainant, who claimed to have been bitten by a street dog, of the investigation results (substantiated); (2) Giving false information in its reply to the complainant (partially substantiated); and (3) Shirking its duties and failing to confirm the complainant's wounds as being caused by dog bite (unsubstantiated)	Partially substantiated	5
2018/3782	Impropriety in processing an application for Dog Breeder Licence (Category B)	Unsubstantiated	0
2018/3811	Impropriety in processing an application for Dog Breeder Licence (Category B)	Unsubstantiated	0
2018/3812	Impropriety in processing an application for Dog Breeder Licence (Category B)	Unsubstantiated	0
2018/3840	Impropriety in processing an application for Dog Breeder Licence (Category B)	Unsubstantiated	0
2018/3877	Impropriety in processing an application for Dog Breeder Licence (Category B)	Unsubstantiated	0
2019/0920 2019/0921 2019/0922 2019/0932 and others	Impropriety in the handling and euthanasia of a dog that arrived in Hong Kong on a Thai cargo vessel	Unsubstantiated	0
2019/2141	(1) Delay in taking a statement from the complainant's son, who complained that he had been bitten by a dog (substantiated); (2) Staff speaking in a manner partial to the dog owner concerned (unsubstantiated); (3) An officer giving the complainant a false expectation when answering her telephone enquiry, and delaying in handling the case (inconclusive); and (4) Failing to consider that the complainant's son, being a minor, was usually unable to receive telephone calls at school, without taking the initiative to contact his parents instead (partially substantiated)	Substantiated	5

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
Architectural Services Department			
2018/4356	(1) Failing to monitor the tendering for a vibration specialist in the rebuilding works of a public hospital (unsubstantiated); and (2) Lying to the media that the vibration specialist had not been appointed (unsubstantiated)	Unsubstantiated	0
2018/4793B	Shirking responsibility when following up a request for modification of a pavement railing close to the boundary of a village resite	Unsubstantiated	0
Buildings Department			
2018/2953	Selective issuance of certificates of compliance to some owners in an estate for their unauthorised building works, resulting in unfairness to other owners	Unsubstantiated	0
2018/3584B	Failing to issue a removal order in respect of a small house which was an unauthorised rebuilding structure	Unsubstantiated	0
2018/4202	Failing to take proper follow-up action and reply to the complainant about his report on unauthorised building works	Partially substantiated	2
2018/4318	Failing to take enforcement action against unauthorised building works of some street level shops in an estate	Unsubstantiated	0
2019/0478 2019/0591 2019/0735 2019/0777	Unreasonable action to recover the cost of slope maintenance	Unsubstantiated	0
2019/1598(I)	Unreasonably refusing the complainant’s request for information (including investigation reports, qualifications of investigators, contracts with outsourced consultants, etc.)	Partially substantiated	1
Civil Engineering and Development Department			
2018/4761C	Failing to resolve the problem of water dripping from a flyover under demolition	Unsubstantiated	0
2019/1123(I)	(1) Excessive masking of a report on traffic and transport impact assessment (substantiated); and (2) Delay in providing the said report (unsubstantiated)	Partially substantiated	1
2019/1587(I)	Delay in providing a report on traffic and transport impact assessment	Unsubstantiated	0

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
Correctional Services Department			
2019/0455	An officer wrongly accusing the complainant of breaching discipline and insisting on taking disciplinary action against him	Inconclusive	2
2019/1156	Staff unreasonably reading an inmate's letter addressed to a lawyer	Inconclusive	2
2019/3369(I)	(1) Unreasonably withholding part of the information under request (unsubstantiated but other inadequacies found); and (2) Failing to make effort to keep time extensions for handling the information request and subsequent request for review to the minimum (unsubstantiated)	Unsubstantiated but other inadequacies found	1
Department of Health			
2018/3728C	Failing to prohibit the touting activities of undertakers at the Joint Office – Hong Kong Island Office jointly operated by the Immigration Department, Department of Health and Food and Environmental Hygiene Department	Unsubstantiated but other inadequacies found	2
2018/4728	(1) Selective enforcement against illegal smoking in different areas (unsubstantiated); (2) Misleading information on no smoking signs and gadgets (unsubstantiated but other inadequacies found); (3) Poor staff attitude (unsubstantiated); and (4) Transferring hotline service to 1823 (unsubstantiated)	Unsubstantiated	3
2018/4756A	Omitting to include persons with disabilities in receipt of Comprehensive Social Security Assistance as an eligible group under the vaccination schemes	Substantiated	1
2019/0063A	Omitting to include persons with disabilities in receipt of Comprehensive Social Security Assistance as an eligible group under the vaccination schemes	Substantiated	1
Electrical and Mechanical Services Department			
2018/4486	Failing to properly handle a report of an elevator with malfunction doors and to monitor the performance of registered contractors	Unsubstantiated	0

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
Equal Opportunities Commission			
2018/3508D	Unreasonably discontinuing the investigation of a complaint against the complainant's former employer for disability discrimination	Unsubstantiated	0
Fire Services Department			
2018/4329	(1) Approving requests for extension of time for abating fire hazards in mini-storage premises too easily (unsubstantiated); and (2) Failing to publicise information about mini-storage premises which had yet to abate fire hazards (unsubstantiated)	Unsubstantiated	2
2018/4733	(1) Failing to consult stakeholders in devising a new set of fire safety requirements for compliance by mini-storage premises (unsubstantiated); (2) Unreasonably singling out the mini-storage industry and imposing on them the fire safety requirements (unsubstantiated); and (3) Devising fire safety requirements that were overly stringent, without regard to the nature and real operation of the mini-storage industry (unsubstantiated)	Unsubstantiated	0
Food and Environmental Hygiene Department			
2018/3728B	Failing to prohibit the touting activities of undertakers at the Joint Office – Hong Kong Island Office jointly operated by the Immigration Department, Department of Health and Food and Environmental Hygiene Department	Unsubstantiated but other inadequacies found	2
2018/3903	Failing to tackle the illegal dumping of waste near a refuse collection point in the New Territories	Unsubstantiated	0
2018/4761A	Failing to resolve the problem of water dripping from a flyover under demolition	Unsubstantiated	0
2019/0404A	Delay in handling a complaint about prolonged occupation of a bicycle parking space by a suitcase	Partially substantiated	1
2019/0433	Failing to take effective enforcement action against street obstruction caused by automobile tyres placed on a walkway	Unsubstantiated	2
2019/2363	Failing to answer an enquiry from a solicitors firm whether an inspection had been conducted at the flat above their clients' on a certain date and respond to the solicitors' request for a copy of the inspection report despite their repeated reminders	Substantiated	0

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
2019/2885	Impropriety in handling the hygiene problem caused by roadside car washing activities of car washing shops	Substantiated	2
2019/3146 2019/3153 2019/3176 2019/3226 and others	Inaction and ineffective enforcement against unauthorised display or affixing of bills in public places, and failing to remove graffiti in public places	Unsubstantiated but other inadequacies found	0
2019/3449	Unreasonably rejecting an application for succession to the tenancy of a market stall	Unsubstantiated	1
2019/3831A	Ineffective enforcement against the obstruction caused by non-commercial publicity materials perennially displayed on a pavement by a District Council Member	Unsubstantiated	0
Government Secretariat – Civil Service Bureau			
2019/0029(I)	Unreasonably refusing the complainant's information request for the appraisal forms for AO grade staff and the supplementary notes on completion of the appraisal forms	Partially substantiated	2
Government Secretariat – Development Bureau			
2019/3031(I)	Unreasonably refusing to provide the complainant with the tenancy agreements for two revitalisation projects of historic buildings	Substantiated	1
Government Secretariat – Education Bureau			
2018/4581	Failing to offer proper assistance in handling the complainant's dispute with a school on the provision of some records of a student with special education needs	Partially substantiated	1
2018/4972	Delay in providing hearing aid fitting services for the complainant's son with hearing impairment	Substantiated	2
2019/3627(I)	Unreasonably refusing to provide the membership list of the Working Group on Review of School Nets, and minutes of meetings of the Working Group and the Secondary School Places Allocation Committee with discussion on relevant issues	Partially substantiated	3
2019/3884	Unreasonably including Peng Chau in the Islands District but Discovery Bay in the Central and Western District under the Secondary School Places Allocation System, causing unfairness to Peng Chau students	Unsubstantiated	0

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
Government Secretariat – Food and Health Bureau			
2019/4564 2019/5202 2019/5203	Failing to instruct the Food and Environmental Hygiene Department to clear the "Lennon Walls" in public places, and taking no cleaning up action on the grounds that no serious hygiene problem was caused by the "Lennon Walls"	Unsubstantiated but other inadequacies found	0
Government Secretariat – Innovation and Technology Bureau			
2018/4419	Shirking responsibility when following up a request for modification of a pavement railing close to the boundary of a village resite	Substantiated	1
2018/4761D	Failing to refer a water dripping complaint to the appropriate department	Unsubstantiated	0
Government Secretariat – Security Bureau			
2019/1472(I)	Refusing to disclose the written submissions received by the Government on the proposed amendments to the Mutual Legal Assistance in Criminal Matters Ordinance and the Fugitive Offenders Ordinance	Substantiated	2
2019/2233(I)	Refusing to disclose the written submissions received by the Government on the proposed amendments to the Mutual Legal Assistance in Criminal Matters Ordinance and the Fugitive Offenders Ordinance	Substantiated	0
2019/3123	(1) Failing to provide answers to the complainant's enquiries (substantiated); (2) Wrongly interpreting that all deportation orders made under the Immigration Ordinance have to be lifelong (unsubstantiated); and (3) Failing to include in its letterhead the telephone or fax number of the handling officer (substantiated)	Partially substantiated	0
Government Secretariat – Transport and Housing Bureau			
2019/0124A	Disregarding the sector's views when revising the Guidelines on Bus Captain Working Hours, Rest Times and Meal Breaks, with the maximum working hours remaining unchanged at 14 hours	Unsubstantiated	0
2019/0180A	Failing to take effective measures against illegal carriage of passengers for reward by motor vehicles	Unsubstantiated	4

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
2019/0731	Mishandling of a case by Independent Checking Unit staff	Unsubstantiated	0
2019/0759(I)	Withholding of information by Independent Checking Unit staff	Partially substantiated	1
Highways Department			
2018/4223B	Unreasonably indicating a no-objection stance but in the meantime giving advice to the Lands Department, causing it to reject the complainant's application for short term tenancy	Unsubstantiated	0
2018/4761B	Failing to resolve the problem of water dripping from a flyover under demolition	Unsubstantiated	0
2019/4430 2019/4662 2019/4712 2019/4931	Inaction against the "Lennon Walls" and graffiti in public places	Unsubstantiated	0
Home Affairs Department			
2018/4374B	Failing to solve the problem of water shortage for the villagers of an outlying island	Unsubstantiated	0
2018/4802C	Failing to install railings or stone pillars at the entrance of the footpath near a village	Unsubstantiated	1
Hong Kong Police Force			
2018/3889(I)	Unreasonably refusing to provide the complainant with an investigation report of the Complaints Against Police Office	Partially substantiated	1
2018/4535(I)	Failing to comply with the Code on Access to Information in handling the complainant's request for an investigation report	Substantiated	1
2018/4536(I)	Failing to comply with the Code on Access to Information in handling the complainant's request for an investigation report	Substantiated	1
2018/5187(I)	Failing to respond to the complainant's information requests for the investigation report and handwriting examination report of a case, and the names and ranks of the responsible police officers	Substantiated	2
2019/1240(I)	Delaying and refusing to provide information related to a case in which the complainant was arrested	Unsubstantiated but other inadequacies found	2

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
2019/3326(I)	Delay and impropriety in handling the complainant's request under the Code on Access to Information for guidelines on the operation of police stations	Substantiated	3
2019/3780(I)	Failing to comply with the Code on Access to Information in handling a request for information about the arrests made by the Police related to the drug trafficking activities in a district	Substantiated	1
2019/3872(I)	Refusing to disclose the names and staff numbers of police officers engaged in various enforcement operations	Unsubstantiated but other inadequacies found	0
2019/4348(I)	Refusing to disclose the relevant information of procurement and disposal of tear gas rounds by the Police between 2016 and 2019	Unsubstantiated but other inadequacies found	0
Hospital Authority			
2018/2608B	(1) Incorrectly recording the time of an incident provided by the complainant who claimed to have been bitten by a street dog (unsubstantiated); and (2) Shirking its duties and failing to confirm the complainant's wounds as being caused by dog bite (unsubstantiated but other inadequacies found)	Unsubstantiated but other inadequacies found	0
2019/1616	St. John Hospital failing to dispense all the drugs as prescribed to the patient outside its pharmacy's service hours, and requesting her to obtain the remaining quantity from the hospital within the pharmacy's service hours or from other urban hospitals, which was inconsiderate to the patient	Substantiated	1
Housing Department			
2018/3787	(1) Failing to clearly explain the arrangement of ballot for allocation of venues in a public housing estate (unsubstantiated); (2) Failing to monitor the utilisation of venues by successful applicants (substantiated); and (3) Failing to face up to the problem of prolonged occupation of venues by certain applicants (unsubstantiated but other inadequacies found)	Partially substantiated	2

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
2019/0732	(1) Taking unreasonable enforcement action against the complainant's shop (unsubstantiated); (2) Unreasonably prohibiting the beauty services provided by Chinese medicine practitioners stationed at the complainant's shop (unsubstantiated); (3) Staff making unauthorised entry into the complainant's shop for inspection and photographing (unsubstantiated); and (4) Disparity of enforcement standards against the complainant and another breaching tenant (unsubstantiated)	Unsubstantiated	0
2019/0880	Failing to follow up a report of unauthorised alterations in a public housing unit	Unsubstantiated but other inadequacies found	3
2019/2205	Issuing to the complainant within a short period of time two letters for flat selection respectively under the Sale of Home Ownership Scheme Flats 2018 and the Sale of Green Form Subsidised Home Ownership Scheme Flats 2018	Substantiated	0
2019/2904	Confusing and unfair regulations for display of posters in a public housing estate	Substantiated	1
2019/2907	Failing to inform the complainant before he purchased a flat under the Tenants Purchase Scheme that its pipework was partially located in another flat, such that he could not make a request for the relevant pre-sale maintenance	Unsubstantiated	0
Immigration Department			
2018/3728A	Failing to prohibit the touting activities of undertakers at the Joint Office – Hong Kong Island Office jointly operated by the Immigration Department, Department of Health and Food and Environmental Hygiene Department	Unsubstantiated but other inadequacies found	2
Inland Revenue Department			
2019/0677(I)	Failing to provide four items of information related to the doubled ad valorem stamp duty	Unsubstantiated	2
Judiciary Administrator			
2018/4872(I)	Refusing to disclose the dates of taking the judicial oath for assuming office of two judges, and the names of their oath administrators	Substantiated	1

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
2019/0802(I)	Refusing to disclose the date of taking the judicial oath for assuming office of a judge, and the name of his oath administrator	Substantiated	1
2019/0870(I)	Refusing to disclose the identity, post title and affiliated department of the staff who had signed the transcript of a court hearing, and the name and post title of the supervisor of the staff concerned	Substantiated	1
Lands Department			
2018/3584A	Failing to take lease enforcement action against a house on a private lot which was an unauthorised rebuilding structure	Unsubstantiated	0
2018/3845	(1) Delay in processing an application for short term waiver (substantiated); (2) Imposing an unreasonable prerequisite for issuing short term waiver (substantiated); and (3) Charging a non-refundable administrative fee for the short term waiver application which the Department had delayed in processing (substantiated)	Substantiated	2
2018/4223A	Unreasonably rejecting the complainant's application for short term tenancy	Unsubstantiated	0
2018/4793A	Shirking responsibility when following up a request for modification of a pavement railing close to the boundary of a village resite	Substantiated	3
2018/4802B	Failing to install railings or stone pillars at the entrance of the footpath near a village	Unsubstantiated	1
2019/0284(I)	Refusing to provide the tender submissions received by the Government for a site	Unsubstantiated	0
2019/0404B	Delay in handling a complaint about prolonged occupation of a bicycle parking space by a suitcase	Unsubstantiated	1
2019/1330	(1) Failing to review before tenancy renewal whether a site granted under short term tenancy ("STT") at nominal rent was still suitable for use as funeral hall, etc. (partially substantiated); (2) Unreasonably leasing the STT site to the tenant at no charge (partially substantiated); and (3) Failing to answer in detail the complainant's enquiries about termination and renewal of the STT concerned (substantiated)	Partially substantiated	3

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
2019/1526	Excessively pruning a valuable tree on Government land, and failing to monitor the disposal of the felled tree trunk	Unsubstantiated	1
2019/1527	Excessively pruning a valuable tree on Government land, and failing to monitor the disposal of the felled tree trunk	Unsubstantiated	1
2019/2633	Failing to take enforcement actions against the unauthorised storey and the unauthorised land use of a house	Substantiated	0
2019/3346 2019/3508 2019/3538B 2019/4431 2019/5204	Inaction against the "Lennon Walls" and graffiti in public places	Unsubstantiated	0
2019/3831B	Ineffective enforcement against the obstruction caused by non-commercial publicity materials perennially displayed on a pavement by a District Council Member	Unsubstantiated	0
Leisure and Cultural Services Department			
2018/4697	(1) Unreasonably refusing to change the enrolment method for aerobic dance programmes from "first-come-first-served" basis to "balloting", and failing to prevent a large number of repeaters from enrolling in the programmes (substantiated); and (2) Providing wrong information to the complainant (substantiated)	Substantiated	3
2018/5168A	Impropriety in handling a noise complaint against the nuisance caused by singing and music playing activities in a park	Unsubstantiated	1
2019/3660	Unreasonably cancelling two dancing lessons without informing the students in advance	Substantiated	0
Mandatory Provident Fund Schemes Authority			
2018/3508C	Unreasonably refusing to define the nature of a payment from the complainant's former employer during the complainant's sick leave period	Unsubstantiated but other inadequacies found	1
Office of the Communications Authority			
2018/4853(I)	Refusing to provide the complainant with the service options menus of its telephone hotline voice system	Substantiated	1

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
Post Office			
2018/3897A	Unreasonably discontinuing postal service to the complainant as his address number was not registered with the Rating and Valuation Department	Substantiated	4
2019/1917	Failing to redirect the complainant's mail, and impropriety in the redirection procedures	Substantiated	2
2019/1943	(1) Unreasonably returning the mail sent to the company of the complainant's husband at their old address by a bank and claiming that it was a wrong address, resulting in the company's bank account being frozen (substantiated); (2) Failing to record the mail items sent to the old address which had been returned and redirected, such that they were unable to trace those mail items (unsubstantiated); and (3) Wrongly redirecting a third party's mail to their new address (substantiated)	Partially substantiated	0
2019/3661	(1) Mishandling the delivery of mails (substantiated); and (2) Lack of response to the complainant's enquiries (substantiated)	Substantiated	0
Rating and Valuation Department			
2018/3238(I)	Unreasonably refusing to provide the complainant with the information he requested	Unsubstantiated but other inadequacies found	1
2018/3897B	Unreasonably discontinuing postal service to the complainant as his address number was not registered with the Department	Unsubstantiated	0
Social Welfare Department			
2018/3029	(1) Unreasonably refusing to reimburse the agency fee for hiring a new domestic helper (unsubstantiated); (2) Unreasonably urging the complainant to collect the cheques of reimbursement of expenses (unsubstantiated); and (3) Shifting the responsibility of oversight to the complainant in respect of a claim for reimbursement of expenses (unsubstantiated)	Unsubstantiated	1

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
2018/4756B	Omitting to include persons with disabilities in receipt of Comprehensive Social Security Assistance as an eligible group under the vaccination schemes	Unsubstantiated	0
2018/4895(I)	(1) Refusing to provide the complainant with the layout plan of an elderly home (unsubstantiated); and (2) Failing to answer the complainant's enquiry properly (substantiated)	Partially substantiated	2
2018/5098	Failing to properly handle a complaint against a residential care home for the elderly	Unsubstantiated	0
2019/0063B	Omitting to include persons with disabilities in receipt of Comprehensive Social Security Assistance as an eligible group under the vaccination schemes	Unsubstantiated	0
2019/3188	Impropriety in handling an application for Disability Allowance and unreasonably refusing to provide assistance	Partially substantiated	1
Transport Department			
2018/4802A	Failing to install railings or stone pillars at the entrance of the footpath near a village	Unsubstantiated	2
2018/4897	Incorrectly de-registering the complainant's motorcycle and taking back the special vehicle registration mark	Unsubstantiated	0
2019/0124B	Disregarding the sector's views when revising the Guidelines on Bus Captain Working Hours, Rest Times and Meal Breaks, with the maximum working hours remaining unchanged at 14 hours	Unsubstantiated	0
2019/0163	Perfunctory procedures in approving the 12.8-metre bus with a rear axle steering system that could pose a threat to public safety	Unsubstantiated	0
2019/0164	Taking too long and applying unclear standards to approve the installation of staff rest facilities at bus termini	Unsubstantiated	0
2019/0180B	Failing to take effective measures against illegal carriage of passengers for reward by motor vehicles	Unsubstantiated	4
2019/0522 2019/0523 2019/0524 2019/0541 2019/0542	Failing to monitor the service quality of a scheduled public light bus route and approving the operator's application for fare increase	Unsubstantiated	0

Case No.	Complaint	Overall Conclusion	No. of Recom-mendations
2019/0669(I)	Refusing to provide the list of tenderers and selection result of operators for three new franchised bus routes	Partially substantiated	1
2019/2437	Failing to properly monitor the progress of a bus company for completing the construction of a bus stop shelter	Substantiated	3
2019/2527	(1) Mishandling the tender of a designated driving school, resulting in monopoly of the designated driving school market (unsubstantiated); and (2) Failing to review the quota of valid private driving instructor licences (unsubstantiated)	Unsubstantiated	1
2019/2926	Failing to properly tackle malpractices at and unauthorised entry into a prohibited zone	Partially substantiated	0
2019/3291	(1) Allowing a bus company to release imprecise information on bus schedules (partially substantiated); (2) Lack of reply to a complaint about lost bus trips (substantiated); and (3) Ineffective monitoring of lost bus trips (unsubstantiated)	Partially substantiated	4
2019/3939	(1) Failing to respond and follow up a complaint about two minibus routes (partially substantiated); and (2) Failing to monitor the service performance of those two minibus routes (unsubstantiated)	Partially substantiated	2
Water Supplies Department			
2018/4374A	Failing to provide the villagers of an outlying island with fresh water supply and to follow up the feasibility study on utilising underground water	Unsubstantiated	0
Working Family and Student Financial Assistance Agency			
2018/5026	Disregarding the complainant's situation and disbursing the student financial assistance for her son to her ex-husband, failing to properly follow up her request to become an applicant for financial assistance, and failing to reply substantively to her relevant enquiries	Partially substantiated	3

Results of Complaints Concluded by Inquiry

Organisation	No. of complaints received	No. of complaints concluded by Inquiry	Cases with inadequacies/ deficiencies found
Agriculture, Fisheries and Conservation Department	28	24	2
Airport Authority	17	7	0
Architectural Services Department	10	10	1
Buildings Department	2,242	169	51
Civil Aviation Department	8	2	0
Civil Engineering and Development Department	10	6	0
Competition Commission	1	1	0
Companies Registry	6	2	0
Consumer Council	11	13	0
Correctional Services Department	191	68	1
Census and Statistics Department	1	0	0
Customs and Excise Department	44	17	0
Department of Health	83	36	3
Department of Justice	54	10	4
Drainage Services Department	9	6	0
Electrical and Mechanical Services Department	23	9	2
Environmental Protection Department	41	25	2
Equal Opportunities Commission	28	10	1
Estate Agents Authority	12	10	5
Fire Services Department	547	13	2
Food and Environmental Hygiene Department	1,832	286	51
General Office of the Chief Executive's Office	8	4	2

Organisation	No. of complaints received	No. of complaints concluded by Inquiry	Cases with inadequacies/ deficiencies found
Government Logistics Department	7	3	0
Government Property Agency	1	1	0
Government Secretariat			
– Chief Secretary for Administration's Office	14	1	0
– Civil Service Bureau	20	3	2
– Commerce and Economic Development Bureau	3	2	0
– Constitutional and Mainland Affairs Bureau	5	2	0
– Development Bureau	12	3	2
– Education Bureau	152	40	5
– Financial Secretary's Office	1	1	0
– Financial Services and the Treasury Bureau	2	2	0
– Food and Health Bureau	294	23	2
– Home Affairs Bureau	6	0	0
– Innovation and Technology Bureau	59	45	6
– Labour and Welfare Bureau	1	1	0
– Security Bureau	19	6	4
– Transport and Housing Bureau	19	9	3
Highways Department	275	52	11
Home Affairs Department	465	46	4
Hong Kong Housing Authority	15	7	1
Hong Kong Housing Society	37	28	1
Hong Kong Monetary Authority	39	25	1

Organisation	No. of complaints received	No. of complaints concluded by Inquiry	Cases with inadequacies/ deficiencies found
Hong Kong Observatory	4	1	0
Hong Kong Police Force	1,548	28	2
Hong Kong Sports Institute Limited	3	3	0
Hospital Authority	187	69	14
Housing Department	573	397	26
Immigration Department	97	54	5
Independent Commission Against Corruption	6	3	0
Information Services Department	294	20	0
Inland Revenue Department	57	37	9
Insurance Authority	4	4	1
Intellectual Property Department	1	1	0
Judiciary Administrator	16	12	2
Labour Department	76	29	3
Land Registry	4	4	0
Lands Department	350	171	37
Legal Aid Department	61	39	2
Legislative Council Secretariat	8	1	0
Leisure and Cultural Services Department	146	97	30
Mandatory Provident Fund Schemes Authority	4	3	1
Marine Department	8	4	0
Office of the Communications Authority	22	5	0
Official Receiver's Office	5	4	1
Other Organisations	5,734	16	0

Organisation	No. of complaints received	No. of complaints concluded by Inquiry	Cases with inadequacies/ deficiencies found
Planning Department	19	9	0
Post Office	56	29	14
Privacy Commissioner for Personal Data	61	6	1
Radio Television Hong Kong	2,951	8	1
Rating and Valuation Department	13	8	0
Registration and Electoral Office	23	10	4
Securities and Futures Commission	9	3	0
Social Welfare Department	127	52	9
The Hong Kong Examinations and Assessment Authority	8	2	1
Trade and Industry Department	6	2	1
Transport Department	225	145	17
Urban Renewal Authority	9	5	0
Vocational Training Council	6	2	0
Water Supplies Department	75	45	9
Working Family and Student Financial Assistance Agency	171	62	10
Total	**19,619**	**2,418**	**369**

Note 1. "Other Organisations" are organisations falling outside Schedule 1 to The Ombudsman Ordinance.

Note 2. The total number of complaints received in the reporting year is 19,767. It is different from the total figure shown above as organisations with no complaints concluded by inquiry are not shown.

Panel of Advisers

Accountancy

Mr Tsai Wing Chung, Philip, BBS, JP

Architecture, Engineering and Surveying

Ir Chan Chi Chiu, SBS
Sr Chan Yuk Ming, Raymond
Ir Dr Ho Chung Tai, Raymond, SBS, MBE, SB St J, JP
Dr Hung Wing Tat, MH
Ir Leung Kwong Ho, Edmund, SBS, OBE, JP
Professor Lim Wan Fung, Bernard Vincent, BBS, JP

Legal

Mr Cheung Tat Ming, Eric
Mr Leung Wai Man, Raymond, SC
Dr Lo Pui Yin
Professor Stephen Thomson
Mr Wong Man Kit, Anson, SC
Ms Wong Pui Sze, Priscilla, BBS, JP

Medical and Nursing

Professor Chien Wai Tong
Professor Lai Kam Yuk, Claudia
Professor Lo Chung Mau, BBS, JP
Dr Shum Ping Shiu, BBS, JP
Professor Tang Wai King, Grace, SBS, JP
Dr Tsang Fan Kwong

Social Work and Rehabilitation Services

Professor Chan Lai Wan, Cecilia, JP
Ms Fang Meng Sang, Christine, BBS, JP
Professor Ma Lai Chong, Joyce, JP
Mr Ng Wang Tsang, Andy

* In alphabetical order



FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2020

The Ombudsman, Hong Kong

Annual Report **2019/20**

Independent auditor's report to The Ombudsman

(Established in Hong Kong pursuant to the Ombudsman Ordinance)

Opinion

We have audited the financial statements of The Ombudsman set out on pages 121 to 139, which comprise the statement of financial position as at 31 March 2020, the statement of income and expenditure, the statement of comprehensive income, the statement of changes in funds and the cash flow statement for the year then ended and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements give a true and fair view of the financial position of The Ombudsman as at 31 March 2020 and of its financial performance and its cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards ("HKFRSs") issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA").

Basis for opinion

We conducted our audit in accordance with Hong Kong Standards on Auditing ("HKSAs") issued by the HKICPA. Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial statements* section of our report. We are independent of The Ombudsman in accordance with the HKICPA's *Code of Ethics for Professional Accountants* ("the Code") and we have fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Information other than the financial statements and auditor's report thereon

The Ombudsman is responsible for the other information. The other information comprises all the information included in the annual report, other than the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of The Ombudsman for the financial statements

The Ombudsman is responsible for the preparation of the financial statements that give a true and fair view in accordance with HKFRSs issued by the HKICPA and for such internal control as The Ombudsman determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, The Ombudsman is responsible for assessing The Ombudsman's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless The Ombudsman either intend to liquidate The Ombudsman or to cease operations, or have no realistic alternative but to do so.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. This report is made solely to you, as a body, in accordance with our agreed terms of engagement, and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with HKSAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with HKSAs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

— Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.

— Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of The Ombudsman's internal control.

— Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by The Ombudsman.

— Conclude on the appropriateness of The Ombudsman's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on The Ombudsman's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause The Ombudsman to cease to continue as a going concern.

— Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with The Ombudsman regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

KPMG
Certified Public Accountants

8th Floor, Prince's Building
10 Chater Road
Central, Hong Kong

19 May 2020

Statement of income and expenditure for the year ended 31 March 2020 *(Expressed in Hong Kong dollars)*

	Note			2019
Income				
Government subventions	4		$	121,546,000
Amortisation of deferred Government subventions	4			1,814,220
Interest income on bank deposits				7,636,646
Other income				412,904
			$	131,409,770
Expenditure				
Operating expenses	5			(121,261,762)
Surplus for the year			$	10,148,008

Statement of comprehensive income for the year ended 31 March 2020

The Ombudsman had no components of comprehensive income other than "surplus for the year" in either of the years presented. Accordingly, no separate statement of comprehensive income is presented as The Ombudsman's "total comprehensive income" was the same as the "surplus" in both years.

The notes on pages 126 to 139 form part of these financial statements.

Statement of financial position at 31 March 2020 *(Expressed in Hong Kong dollars)*

	Note	2020	2019
ASSETS			
Non-current asset			
Property, plant and equipment	8	**$ 60,937,255**	$ 63,326,759
Current assets			
Deposits and prepayments		**$ 3,459,808**	$ 900,306
Interest receivable		**2,982,644**	1,657,720
Time deposits with original maturity over three months		**380,136,000**	344,890,000
Cash and cash equivalents	9	**4,930,400**	30,459,561
		$ 391,508,852	$ 377,907,587
Total assets		**$ 452,446,107**	$ 441,234,346
LIABILITIES			
Non-current liabilities			
Contract gratuity payable – non-current	10	**$ 6,569,438**	$ 4,254,522
Deferred Government subventions – non-current	4	**57,086,218**	58,900,438
		$ 63,655,656	$ 63,154,960
Current liabilities			
Other payables and accruals		**$ 3,321,743**	$ 3,238,604
Contract gratuity payable – current	10	**5,023,628**	8,048,082
Deferred Government subventions – current	4	**1,814,220**	1,814,220
		$ 10,159,591	$ 13,100,906
Total liabilities		**$ 73,815,247**	$ 76,255,866

	Note	**2020**	2019
FUNDS			
Accumulated funds		**$ 378,630,860**	$ 364,978,480
Total funds		**$ 378,630,860**	$ 364,978,480
Total funds and liabilities		**$ 452,446,107**	$ 441,234,346

Approved and authorised for issue by The Ombudsman on 19 May 2020

Ms Winnie Chiu
The Ombudsman

The notes on pages 126 to 139 form part of these financial statements.

Statement of changes in funds for the year ended 31 March 2020 *(Expressed in Hong Kong dollars)*

		Accumulated funds
Balance at 1 April 2018	$	354,830,472
Change in funds for 2018/2019:		
Surplus and total comprehensive income for the year		10,148,008
Balance at 31 March 2019 and 1 April 2019	$	364,978,480
Change in funds for 2019/2020:		
Surplus and total comprehensive income for the year		13,652,380
Balance at 31 March 2020	$	378,630,860

The notes on pages 126 to 139 form part of these financial statements.

Cash flow statement for the year ended 31 March 2020 *(Expressed in Hong Kong dollars)*

	Note	2020	2019
Operating activities			
Surplus for the year		**$ 13,652,380**	$ 10,148,008
Adjustments for:			
Interest income		**(9,735,926)**	(7,636,646)
Depreciation	5	**2,623,224**	2,844,168
Amortisation of deferred Government subventions		**(1,814,220)**	(1,814,220)
(Gain)/loss on disposal of property, plant and equipment	5	**(2,397)**	4,962
Operating surplus before changes in working capital		**$ 4,723,061**	$ 3,546,272
(Increase)/decrease in deposits and prepayments		**(2,559,502)**	92,018
Increase in other payables and accruals		**83,139**	570,229
Decrease in contract gratuity payable		**(709,538)**	(514,773)
Net cash generated from operating activities		**$ 1,537,160**	$ 3,693,746
Investing activities			
Interest received		**$ 8,411,002**	$ 7,777,946
Payments for purchase of property, plant and equipment		**(233,823)**	(720,614)
Increase of time deposits with original maturity over three months		**(380,136,000)**	(344,890,000)
Proceeds from time deposits with original maturity over three months matured		**344,890,000**	326,054,000
Proceeds from sale of property, plant and equipment		**2,500**	6,010
Net cash generated used in investing activities		**$ (27,066,321)**	$ (11,772,658)
Net decrease in cash and cash equivalents		**$ (25,529,161)**	$ (8,078,912)
Cash and cash equivalents at beginning of the year	9	**30,459,561**	38,538,473
Cash and cash equivalents at end of the year	9	**$ 4,930,400**	$ 30,459,561

The notes on pages 126 to 139 form part of these financial statements.

1 Status of The Ombudsman

The Ombudsman was established as a corporation by statute on 19 December 2001. The functions of The Ombudsman are prescribed by the Ombudsman Ordinance.

The address of its registered office is 30/F, China Merchants Tower, Shun Tak Centre, 168-200 Connaught Road Central, Hong Kong.

2 Significant accounting policies

(a) Statement of compliance and changes in accounting policies

These financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards ("HKFRSs"), which collective term includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards ("HKASs") and Interpretations issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA") and accounting principles generally accepted in Hong Kong. Significant accounting policies adopted by The Ombudsman are disclosed below.

The HKICPA has issued certain new and revised HKFRSs that are first effective or available for early adoption for the current accounting period of The Ombudsman. Of these, the following developments are relevant to The Ombudsman's financial statements:

(i) HKFRS16, Leases

The Ombudsman has not applied any new standard or interpretation that is not yet effective for the current accounting period.

(i) HKFRS 16, Leases

HKFRS 16 replaces HKAS 17, *Leases*, and the related interpretations, HK(IFRIC) 4, *Determining whether an arrangement contains a lease*, HK(SIC) 15, *Operating leases – incentives*, and HK(SIC) 27, *Evaluating the substance of transactions involving the legal form of a lease*. It introduces a single accounting model for lessees, which requires a lessee to recognise a right-of-use asset and a lease liability for all leases, except for leases that have a lease term of 12 months or less ("short-term leases") and leases of low-value assets.

HKFRS 16 also introduces additional qualitative and quantitative disclosure requirements which aim to enable users of the financial statements to assess the effect that leases have on the financial position, financial performance and cash flows of an entity.

The Ombudsman applied HKFRS 16 with a date of initial application of 1 April 2019 using the modified retrospective approach, under which the cumulative effect of initial application is recognised in the opening balances at 1 April 2019. Comparative information has not been restated and continues to be reported under HKAS 17.

2 Significant accounting policies (continued)

(a) Statement of compliance and changes in accounting policies (continued)

(i) HKFRS16, Leases (continued)

(i) HKFRS 16, Leases (continued)

HKFRS 16 eliminates the requirement for a lessee to classify leases as either operating leases or finance leases, as was previously required by HKAS 17. Instead, The Ombudsman is required to capitalise all leases when it is the lessee, including leases previously classified as operating leases under HKAS 17, other than those short-term leases and leases of low-value assets which are exempt.

The Ombudsman elected not to apply the requirements of HKFRS 16 in respect of the recognition of lease liabilities and right-of-use assets to leases for which the remaining lease term ends within 12 months from the date of initial application of HKFRS 16, i.e. where the lease term ends on or before 31 March 2020.

The adoption of HKFRS 16 does not have significant impact on these financial statements.

(b) Basis of preparation of the financial statements

The measurement basis used in the preparation of the financial statements is the historical cost basis.

The preparation of financial statements in conformity with HKFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

Judgement made by The Ombudsman in the application of HKFRSs that has significant effect on the financial statements and major source of estimation uncertainty is discussed in note 3.

2 Significant accounting policies (continued)

(c) Property, plant and equipment

Property, plant and equipment are stated at cost less accumulated depreciation and impairment losses.

Depreciation is calculated to write off the cost of items of property, plant and equipment, less their estimated residual value, if any, using the straight line method over their estimated useful lives as follows:

–	Interest in leasehold land held for own use	Over unexpired term of lease
–	Building	40 years
–	Leasehold improvements	10 years
–	Office furniture	5 years
–	Office equipment	5 years
–	Computer equipment	4 years
–	Motor vehicles	5 years

Both the useful life of an asset and its residual value, if any, are reviewed annually.

The carrying amounts of property, plant and equipment are reviewed for indications of impairment at the end of each reporting period. An impairment loss is recognised in the statement of income and expenditure if the carrying amount of an asset, or the cash-generating unit to which it belongs, exceeds its recoverable amount. The recoverable amount of an asset, or of the cash-generating unit to which it belongs, is the greater of its fair value less costs of disposal and value in use. In assessing value in use, the estimated future cash flows are discounted to their present values using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the assets. An impairment loss is reversed if there has been a favourable change in the estimates used to determine the recoverable amount.

Gains or losses arising from the retirement or disposal of an item of property, plant and equipment are determined as the difference between the net disposal proceeds and the carrying amount of the item and are recognised in the statement of income and expenditure on the date of retirement or disposal.

2 Significant accounting policies (continued)

(d) Receivables

A receivable is recognised when The Ombudsman has an unconditional right to receive consideration. A right to receive consideration is unconditional if only the passage of time is required before payment of that consideration is due. If income has been recognised before The Ombudsman has an unconditional right to receive consideration, the amount is presented as a contract asset.

Receivables are stated at amortised cost using the effective interest method less allowance for credit losses as determined below:

The loss allowance is measured at an amount equal to lifetime expected credit losses ("ECLs"), which are those losses that are expected to occur over the expected life of the receivables. For all financial instruments (including deposits and interest receivable), The Ombudsman recognises a loss allowance equal to 12-month ECLs unless these has been a significant increase in credit risk of the financial instrument since initial recognition, in which case the loss allowance is measured at an amount equal to lifetime ECLs.

ECLs are remeasured at each reporting date with any changes recognised as an impairment gain or loss in profit or loss. The Ombudsman recognises an impairment gain or loss with a corresponding adjustment to the carrying amount of receivables through a loss allowance account.

The gross carrying amount of receivable is written off (either partially or in full) to the extent that there is no realistic prospect of recovery. This is generally the case when The Ombudsman determines that the debtor does not have assets or sources of income that could generate sufficient cash flows to repay the amounts subject to the write-off.

(e) Payables

Payables are initially recognised at fair value. Payables are subsequently stated at amortised cost unless the effect of discounting would be immaterial, in which case they are stated at cost.

(f) Cash and cash equivalents

Cash and cash equivalents comprise cash at bank and on hand, demand deposits with banks and other financial institutions, and short-term, highly liquid investments that are readily convertible into known amounts of cash and which are subject to an insignificant risk of changes in value, having been within three months of maturity at acquisition.

(g) Employee benefits

Salaries, gratuities, paid annual leave, leave passage and the cost to The Ombudsman of non-monetary employee benefits are accrued in the year in which the associated services are rendered by employees of The Ombudsman. Where payment or settlement is deferred and the effect would be material, these amounts are stated at their present values.

2 Significant accounting policies (continued)

(h) Provisions and contingent liabilities

Provisions are recognised when The Ombudsman has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.

(i) Income recognition

(i) Government subventions

An unconditional Government subvention is recognised as income in the statement of income and expenditure when the grant becomes receivable. Other Government subventions are recognised in the statement of financial position initially when there is reasonable assurance that they will be received and that The Ombudsman will comply with the conditions attaching to them. Subventions that compensate The Ombudsman for expenses incurred are recognised as income in the statement of income and expenditure on a systematic basis in the same periods in which the expenses are incurred. Subventions that compensate The Ombudsman for the cost of an asset are included in the statement of financial position as deferred Government subventions and recognised in the statement of income and expenditure over the period of the lease term or useful live of the related asset on a basis consistent with the depreciation policy as set out in note 2(c).

(ii) Interest income

Interest income is recognised as it accrues using the effective interest method.

(j) Related parties

(a) A person, or a close member of that person's family, is related to The Ombudsman if that person:

(i) has control or joint control over The Ombudsman;

(ii) has significant influence over The Ombudsman; or

(iii) is a member of the key management personnel of The Ombudsman.

2 Significant accounting policies (continued)

(j) Related parties (continued)

(b) An entity is related to The Ombudsman if any of the following conditions applies:

(i) The entity and The Ombudsman are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).

(ii) One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).

(iii) Both entities are joint ventures of the same third party.

(iv) One entity is a joint venture of a third entity and the other entity is an associate of the third entity.

(v) The entity is a post-employment benefit plan for the benefit of employees of either The Ombudsman or an entity related to The Ombudsman.

(vi) The entity is controlled or jointly controlled by a person identified in note 2(j)(a).

(vii) A person identified in note 2(j)(a)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).

(viii) The entity, or any member of a group of which it is a part, provides key management personnel services to The Ombudsman.

Close members of the family of a person are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity.

3 Accounting judgement and estimate

In the process of apply The Ombudsman's accounting policies, The Ombudsman has made the following significant accounting judgement:

Depreciation

Property, plant and equipment is depreciated on a straight line basis over their estimated useful lives. The Ombudsman reviews annually the estimated useful life in order to determine the amount of depreciation expense to be recorded during any reporting period. The useful lives are based on The Ombudsman's historical experience with similar assets taking into account anticipated technological changes. The depreciation expense for future periods is adjusted if there are significant changes from previous estimations.

4 Government subventions and deferred Government subventions

Government subventions represent the funds granted by the Government for daily operations of The Ombudsman.

Deferred Government subventions represent the funds granted by the Government for prepaid lease payments and the purchase of building. Amortisation of deferred Government subventions is recognised on a straight line basis over the period of the lease term of 54 years of interest in leasehold land held for own use for prepaid lease payments and the useful life of 40 years of building in accordance with the accounting policies set out in notes 2(c) and 2(i)(i).

At 31 March 2020, the deferred Government subventions are expected to be amortised as follows:

	2020	2019
Within one year and included in current liabilities	**$ 1,814,220**	$ 1,814,220
After one year and included in non-current liabilities	**57,086,218**	58,900,438
	$ 58,900,438	$ 60,714,658

5 Operating expenses

	2020	2019
Employee benefit expenses (note 6)	**$ 114,639,117**	$ 106,906,640
Depreciation of property, plant and equipment (note 8)	**2,623,224**	2,844,168
Rates and management fee	**3,215,584**	3,186,384
Expense relating to short-term leases	**100,800**	92,800
Auditor's remuneration	**92,000**	89,900
Announcement of public interest expense	**–**	2,946,500
(Gain)/loss on disposal of property, plant and equipment	**(2,397)**	4,962
Other expenses	**4,662,708**	5,190,408
	$ 125,331,036	$ 121,261,762

6 Employee benefit expenses

	2020	2019
Salaries and allowances	**$ 98,217,291**	$ 92,662,884
Contract gratuity	**10,687,001**	9,438,814
Pension costs – MPF scheme	**2,688,318**	2,562,151
Unutilised annual leave	**846,726**	(113,043)
Other employee benefit expenses	**2,199,781**	2,355,834
	$ 114,639,117	$ 106,906,640

7 Key management compensation

	2020	2019
Short-term employee benefits	**$ 17,589,727**	$ 16,601,778
Post-employment benefits	**3,190,732**	2,185,693
	$ 20,780,459	$ 18,787,471

8 Property, plant and equipment

	Interest in leasehold land held for own use	Building	Leasehold improvements	Office furniture	Office equipment	Computer equipment	Motor vehicles	Total
Cost:								
At 1 April 2019	$ 74,900,000	$ 16,800,000	$ 16,225,950	$ 852,401	$ 1,765,521	$ 6,186,456	$ 874,801	$117,605,129
Additions	–	–	–	40,331	48,018	145,474	–	233,823
Disposals	–	–	–	(19,234)	(28,466)	(29,034)	(179,800)	(256,534)
At 31 March 2020	$ 74,900,000	$ 16,800,000	$ 16,225,950	$ 873,498	$ 1,785,073	$ 6,302,896	$ 695,001	$117,582,418
Accumulated depreciation:								
At 1 April 2019	$ 23,822,904	$ 7,162,438	$ 14,468,239	$ 730,918	$ 1,441,938	$ 6,043,550	$ 608,383	$ 54,278,370
Charge for the year	1,394,220	420,000	442,163	47,542	102,048	78,251	139,000	2,623,224
Written back on disposals	–	–	–	(19,234)	(28,363)	(29,034)	(179,800)	(256,431)
At 31 March 2020	$ 25,217,124	$ 7,582,438	$ 14,910,402	$ 759,226	$ 1,515,623	$ 6,092,767	$ 567,583	$ 56,645,163
Net book value:								
At 31 March 2020	$ 49,682,876	$ 9,217,562	$ 1,315,548	$ 114,272	$ 269,450	$ 210,129	$ 127,418	$ 60,937,255

8 Property, plant and equipment (continued)

	Interest in leasehold land held for own use	Building	Leasehold improvements	Office furniture	Office equipment	Computer equipment	Motor vehicles	Total
Cost:								
At 1 April 2018	$ 74,900,000	$ 16,800,000	$ 15,854,550	$ 828,839	$ 1,709,222	$ 6,149,407	$ 874,801	$ 117,116,819
Additions	–	–	371,400	78,837	175,887	94,490	–	720,614
Disposals	–	–	–	(55,275)	(119,588)	(57,441)	–	(232,304)
At 31 March 2019	$ 74,900,000	$ 16,800,000	$ 16,225,950	$ 852,401	$ 1,765,521	$ 6,186,456	$ 874,801	$ 117,605,129
Accumulated depreciation:								
At 1 April 2018	$ 22,428,684	$ 6,742,438	$ 14,015,300	$ 723,142	$ 1,375,369	$ 5,901,218	$ 469,383	$ 51,655,534
Charge for the year	1,394,220	420,000	452,939	60,636	177,600	199,773	139,000	2,844,168
Written back on disposals	–	–	–	(52,860)	(111,031)	(57,441)	–	(221,332)
At 31 March 2019	$ 23,822,904	$ 7,162,438	$ 14,468,239	$ 730,918	$ 1,441,938	$ 6,043,550	$ 608,383	$ 54,278,370
Net book value:								
At 31 March 2019	$ 51,077,096	$ 9,637,562	$ 1,757,711	$ 121,483	$ 323,583	$ 142,906	$ 266,418	$ 63,326,759

The Ombudsman's interest in leasehold land is held under long lease.

9 Cash and cash equivalents

	2020	2019
Cash at bank	**$ 4,925,400**	$ 30,454,561
Cash in hand	**5,000**	5,000
	$ 4,930,400	$ 30,459,561

10 Contract gratuity payable

The amount represents the gratuity payable to staff on expiry of their employment contracts. The amount of gratuity ranges from 10% to 25% (2019: 10% to 25%) of the basic salary less employer's contributions to MPF.

11 Taxation

The Ombudsman is exempt from taxation in respect of the Inland Revenue Ordinance in accordance with Schedule 1A Section 5(1) of the Ombudsman Ordinance.

12 Commitments

At 31 March 2020, the total future aggregate minimum lease payments under non-cancellable operating leases in respect of parking spaces are payable as follows:

		2020		2019
Within 1 year	**$**	**8,400**	$	8,400

The leases remain in force unless terminated by giving notice in writing of not less than one calendar month.

13 Management of accumulated funds

The Ombudsman's primary objective when managing its accumulated funds is to safeguard The Ombudsman's ability to continue as a going concern. The Ombudsman is not subject to externally imposed requirements relating to its accumulated funds.

14 Financial risk management and fair values of financial instruments

Risk management is carried out by the General and Finance Section under policies approved by The Ombudsman. The General and Finance Section identifies and evaluates financial risks in close co-operation with the operating units. The Ombudsman's exposure to credit, liquidity, interest rate and currency risks are described below:

(a) Credit risk

Credit risk refers to the risk that a counter party will default on its contractual obligations resulting in a financial loss to The Ombudsman. The Ombudsman's credit risk is primarily attributable to time deposits and cash and cash equivalents. The Ombudsman has a credit policy in place and the exposure to this credit risk is monitored on an ongoing basis.

Cash is deposited with financial institutions with sound credit ratings to minimise credit exposure.

The maximum exposure to credit risk is represented by the carrying amount of each financial asset in the statement of financial position. The Ombudsman does not provide any guarantees which would expose The Ombudsman to credit risk.

14 Financial risk management and fair values of financial instruments (continued)

(b) Liquidity risk

The Ombudsman's policy is to regularly monitor its current and expected liquidity requirements and to ensure that it maintains sufficient reserves of cash to meet its liquidity requirements in the short and longer term.

The following table shows the remaining contractual maturities at the end of the reporting period of The Ombudsman's financial liabilities, which are based on contractual undiscounted cash flows and the earliest date The Ombudsman can be required to pay:

	2020				
	Contractual undiscounted cash outflow				
	Within 1 year or on demand	More than 1 year but less than 2 years	More than 2 years but less than 5 years	Total contractual undiscounted cash flows	Carrying amount
Contract gratuity payable	**$ 5,023,628**	**$ 4,804,065**	**$ 1,765,373**	**$ 11,593,066**	**$ 11,593,066**
Other payables and accruals	**3,321,743**	**–**	**–**	**3,321,743**	**3,321,743**
	$ 8,345,371	**$ 4,804,065**	**$ 1,765,373**	**$ 14,914,809**	**$ 14,914,809**

	2019				
	Contractual undiscounted cash outflow				
	Within 1 year or on demand	More than 1 year but less than 2 years	More than 2 years but less than 5 years	Total contractual undiscounted cash flows	Carrying amount
Contract gratuity payable	$ 8,048,082	$ 3,002,166	$ 1,252,356	$ 12,302,604	$ 12,302,604
Other payables and accruals	3,238,604	–	–	3,238,604	3,238,604
	$ 11,286,686	$ 3,002,166	$ 1,252,356	$ 15,541,208	$ 15,541,208

(c) Interest rate risk

Interest rate risk is the risk that the value of a financial instrument will fluctuate due to changes in market interest rates. The Ombudsman's only exposure to interest rate risk is via its bank balances which bear interest at market rates.

14 Financial risk management and fair values of financial instruments (continued)

(c) Interest rate risk (continued)

Sensitivity analysis

At 31 March 2020, it is estimated that a general increase/decrease of 100 (2019: 100) basis points in interest rates, with all other variables held constant, would have increased The Ombudsman's surplus and accumulated funds by approximately $47,000 (2019: $303,000).

The sensitivity analysis above has been determined assuming that the change in interest rates had occurred at the end of the reporting period and had been applied to the financial instruments which expose The Ombudsman to interest rate risk at that date. The 100 basis points increase or decrease represents The Ombudsman's assessment of a reasonably possible change in interest rates over the period until the next annual reporting period. The analysis is performed on the same basis for 2019.

(d) Currency risk

The Ombudsman has no exposure to currency risk as all of The Ombudsman's transactions are denominated in Hong Kong dollars.

(e) Fair value measurement

The carrying amounts of The Ombudsman's financial instruments carried at cost or amortised cost were not materially different from their fair values at 31 March 2020 and 2019.

15 Material related party transactions

Transactions with key management personnel

Remuneration of all members of key management personnel is disclosed in note 7.

16 Possible impact of amendments, new standards and interpretations issued but not yet effective for the year ended 31 March 2020

Up to the date of issue of these financial statements, the HKICPA has issued a number of amendments, new standards and interpretations which are not yet effective for the year ended 31 March 2020 and which have not been adopted in these financial statements. These include the following which may be relevant to the company.

	Effective for accounting periods beginning on or after
Amendments to HKFRS 3, *Definition of a business*	1 January 2020
Amendments to HKAS 1 and HKAS 8, *Definition of material*	1 January 2020

The Ombudsman is in the process of making an assessment of what the impact of these amendments, new standards and interpretations is expected to be in the period of initial application. So far The Ombudsman has not identified any aspect of the new standards which may have a significant impact on the financial statements.

Complaints Charter

We endeavour to provide a high standard of service to the public. In fully discharging our duties, this Office has drawn up the following Charter:

Our Commitment

- Handle complaints in a professional, impartial and efficient manner
- Keep complainants informed of the progress and outcome of our inquiries
- Explain our decisions clearly
- Protect complainants' privacy
- Treat the public with courtesy and respect

Complainants not satisfied with our findings may write to this Office and state the grounds for a review of their cases. Any views on individual staff or our services may be directed to the Chief Manager of this Office. We will take follow-up action with professionalism and fairness.

Complainants' Responsibilities

- State clearly the issues of complaint
- Provide true and accurate information in a timely way
- Cooperate in our inquiries
- Lodge complaints in a reasonable manner
- Treat the staff with courtesy and respect

If complainants are not cooperative, the progress and/or outcome of our inquiries may be affected. In such circumstances, we will take proper actions as appropriate, such as making our decision on the basis of available evidence or terminating the inquiry.



DESIGN CONCEPT

The Ombudsman, Hong Kong
Annual Report **2019/20**

The cover shows a camera lens and its shutter. The design concept uses the attributes shown on the shutter to illustrate that the Office of The Ombudsman handles each complaint case in a diligent, impartial and professional manner, and its aim of providing services with high quality and efficiency, and establishing a better administrative system by collaborating with Government departments and public organisations.

Office of The Ombudsman, Hong Kong

Address	30/F, China Merchants Tower Shun Tak Centre 168-200 Connaught Road Central Hong Kong
Post Box	G.P.O. Box No. 3300, Hong Kong
Enquiry and Complaint Hotline	(852) 2629 0555
Fax	(852) 2882 8149
Website	http://www.ombudsman.hk
Enquiry email address	enquiry@ombudsman.hk
Complaint email address	complaints@ombudsman.hk

FSC
www.fsc.org
MIX
Paper from responsible sources
FSC™ C021898

This annual report is printed on environmentally friendly paper